

**From:** [Chambers, Micah](#)  
**To:** [Ryan Ullman](#)  
**Subject:** BLM V/F Memo  
**Date:** Wednesday, April 12, 2017 12:02:34 PM  
**Attachments:** [4-6-17 VF CRA Briefing.pdf](#)

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Micah Chambers  
Special Assistant / Acting Director  
Office of Congressional & Legislative Affairs  
Office of the Secretary of the Interior

## BLM Venting & Flaring Rule

### Summary of the Final Rule:

The “Venting & Flaring Rule” (the Rule) is formally the *Waste Prevention, Production Subject to Royalties, and Resource Conservation* rulemaking that replaced the requirements related to venting, flaring, and royalty-free use of gas contained in the 1979 Notice to Lessees and Operators of Onshore Federal and Indian Oil and Gas Leases, Royalty or Compensation for Oil and Gas Lost (NTL-4A). Currently, only 12 percent of operators have reported flared gas from oil well production. The Rule is codified in 43 CFR subparts 3178 and 3179 and became effective on January 17, 2017.

### Statutory Authority and Regulatory History:

The Mineral Leasing Act of 1920 (MLA) (30 U.S.C. §§ 188–287) subjects federal oil and gas leases to the condition that lessees will “use all reasonable precautions to prevent waste of oil and gas developed in the land . . . .” 30 U.S.C. § 225. Further, the MLA requires lessees to exercise “reasonable diligence, skill, and care” in their operations and requires lessees to observe “such rules for the health and safety of the miners and for the prevention of undue waste as may be prescribed by [the] Secretary [of the Interior].” 30 U.S.C. § 187. The Federal Oil and Gas Royalty Management Act (FOGRMA) makes lessees liable for royalty payments on oil or gas lost or wasted from a lease site when such loss or waste is due to negligence or the failure to comply with applicable rules or regulations. 30 U.S.C. § 1756. Both the MLA and FOGRMA authorize the Secretary of the Interior to prescribe rules and regulations necessary to carry out the purposes of those statutes. 30 U.S.C. § 189; 30 U.S.C. § 1751.

Before promulgation of the Venting and Flaring Rule, the Bureau of Land Management (BLM) regulated the venting, flaring, and beneficial use of gas pursuant to NTL-4A, which placed limits on the venting and flaring of gas and defined when gas was “unavoidably lost” and therefore not subject to royalties. The BLM’s Venting & Flaring Rule included many regulatory changes, including emissions-focused requirements that did not appear in NTL-4A. Multiple states and industry groups believe that these new requirements are actually within the jurisdiction of the Clean Air Act (CAA) and therefore outside the Department’s authority to regulate.

### If the Rule is Not Repealed under the Congressional Review Act (CRA):

Although the Venting & Flaring Rule went into effect in January 2017, many of the Rule’s more onerous requirements are not yet operative. Although operators are not yet obligated to comply with these requirements, they will need to expend time and resources to prepare for compliance dates. Presently, the Rule requires operators to submit a waste minimization plan with their applications for permits to drill (APDs), imposes restrictions on venting, and clarifies that when gas is “avoidably lost” and it is therefore subject to royalties. Operators must comply with the Rule’s flaring (or “gas capture”) requirements, equipment upgrade/replacement requirements, and leak detection and repair (LDAR) requirements beginning on January 17, 2018.

The BLM expects industry’s annual compliance costs from 2017 to 2026 to be between \$114 and \$279 million, with first year compliance costs estimated to be \$113 million (\$84 million for LDAR alone).

The Rule will continue in effect unless the BLM rescinds or replaces the Rule through the rulemaking process outlined below, or the Rule is overturned in pending litigation. Any new rule that the BLM promulgates would likely be challenged in court with a minimum litigation cost of \$500,000. If the new rulemaking is overturned in litigation, the Venting and Flaring Rule would come back into effect.

If the Rule is Repealed under the CRA:

If the Rule is repealed under the CRA, NTL-4A would come back into effect immediately. The BLM retains its existing authority under the MLA and FOGRMA to make effective updates to NTL-4A while ceding some of the more duplicative regulatory provisions to states/EPA under the CAA.

The BLM could consider policy actions to curb waste and focus on revisions to NTL-4A to address the following:

- Encouraging beneficial use of oil or gas on lease
- Regulating flaring of unmarketable gas from oil wells
- Conserving unsold gas by reinjection
- Improving ROW timelines and removing obstacles to timely approval for pipeline infrastructure
- Recognizing existing State/tribal policy/rules, such as those in North Dakota, Wyoming, Utah, New Mexico, Colorado, and Montana

If a court overturns any replacement or revision of NTL-4A, NTL-4A would come back into effect.

**Table: Rulemaking Schedule**

Activity	Description	Timing
Advanced Notice of Proposed Rulemaking (ANPR)	OPTIONAL. The BLM would solicit input from the public on whether, and how, NTL-4A should be revised.	1 month to publish 2 months for public comment
Notice of Proposed Rulemaking (NPR)	The BLM would develop a NPR based on previous rule experiences or comments received from ANPR process. The Office of Management and Budget (OMB) needs to review and clear the proposal.	3 months to draft NPR 3 months for OMB review
NPR comment period	The NPR is published in the Federal Register for notice-and-comment period.	2 months
Comment review/ Drafting final rule	The BLM reviews the comments and revises the rule in light of those comments. The BLM sends the revised/final rule to OMB for review.	2 months review/drafting 3 months OMB review
Final rule is published	The BLM publishes the final rule in the Federal Register	After publishing, 2 months until effective
Total time to publish		13 months (for NPR) 16 months (including ANPR)
Total cost		\$1.2 – 2.1 million

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**From:** ryanzinke <(b) (6)>  
**Sent:** Friday, March 17, 2017 10:06 AM  
**To:** Heather Swift  
**Subject:** Brilliant

Fred davis sends his compliments on the snow shovel piece. you are doing great work as always. we have get the boss included in the park piece somewhere. z

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** Heather Swift <heather\_swift@ios.doi.gov>  
**Date:** 17/03/2017 05:15 (GMT-07:00)  
**To:** (b) (6)  
**Subject:** Fwd: U.S. Department of the Interior News Briefing for Friday, March 17, 2017

U.S. Department of the Interior News Briefing

\*Mobile version and searchable archives available here

<<http://interior.bulletinintelligence.com/?d=170317&auth=e71ils1bb2>>.\* \*Please click here <<http://interior.bulletinintelligence.com/subscribe>> to subscribe.\*

[image: US Department of the Interior News Briefing]

<<http://interior.bulletinnews.com/?d=170317&auth=e71ils1bb2>>

DATE: FRIDAY, MARCH 17, 2017 7:00 AM EDT

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- E&E Daily: Secretaries Zinke, Perry Meet Wednesday To Discuss Range Of Issues. <#S3>

- Public Radio International: Secretary Zinke Reiterates Commitment To Tribal Sovereignty In Meeting With Native American Leaders. <#S4>

- Methow Valley (WA) News Online: Bill Reintroduced To Protect Methow Headwaters From Mining. <#S5>

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- KSL-TV Salt Lake City: Bears Ears Designation Blocks Proposed ATV Trail In San Juan County. <#S18>
- Santa Clarita Valley (CA) Signal: Bill To Stop Mining In Soledad Canyon Reintroduced. <#S19>
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- Bismarck (ND) Tribune: Oil Industry Welcomes Fracking Regulatory Rollbacks. <#S23>
- Associated Press: North Dakota Considering Federal Government, ETP To Recoup Protest Costs. <#S24>
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#### DOI in the News

Secretary Zinke Confident Interior Can Maintain Mission In Face Of Budget Cuts.

#### The Huffington Post

<[http://www.huffingtonpost.com/2017/03/16/ryan-zinke-interior-department-budget-cuts-us\\_n\\_15418668.html](http://www.huffingtonpost.com/2017/03/16/ryan-zinke-interior-department-budget-cuts-us_n_15418668.html)>

(3/16, D'angelo) reports that on March 3, Interior Secretary Ryan Zinke “addressed his staff at the agency’s Washington headquarters” and “vowed to ‘fight’ his boss, President Donald Trump, on the looming Interior Department budget cuts.” At that time, the Trump Administration was “looking to slash 10 percent of the agency’s budget,” according to E&E News. But after “the White House unveiled its ‘America First’ budget proposal, which calls for cutting the Interior Department’s budget from \$13.2 billion to \$11.6 billion — a 12 percent decrease,” Zinke’s tone has “suddenly improved.” He said in a statement, “America’s public lands are our national treasures and the President’s budget sends a strong signal that we will protect and responsibly manage these vast areas of our country ‘for the benefit and enjoyment of the people.” Zinke added, “I can say for certain that this budget allows the Interior Department to meet our core mission and also prioritizes the safety and security of the American people. From supporting tribal sovereignty and self-determination across Indian country to investing more than \$1 billion in safe and reliable water management in the western U.S., to budgeting for wildland fire preparedness and suppression, and streamlining access to the energy resources America needs, this budget enables the Department to meet its core mission and prioritizes programs that will put Americans’ security first.”

#### The \*Helena (MT) Independent Record\*

<[http://helenair.com/news/state-and-regional/trump-budget-proposes-big-changes-in-forest-service-interior-spending/article\\_7a791203-3514-5e05-8e5b-15d9e5a06379.html](http://helenair.com/news/state-and-regional/trump-budget-proposes-big-changes-in-forest-service-interior-spending/article_7a791203-3514-5e05-8e5b-15d9e5a06379.html)>

(3/16, Chaney) reports that Zinke's office said "that the budget eliminates duplicate programs for Abandoned Mine Land grants, National Heritage Areas and National Wildlife Refuge payments that overlap with other programs or should be funded at the local level." Also, "new money would support Interior's energy development programs on public lands and waters, including streamlining permitting processes and providing more industry access to public resources." Meanwhile, "Interior's budget would also get \$1 billion more to invest in Western-state water resources, although that was not further defined."

Additional coverage was provided by the \*Ravalli (MT) Republic\*  
<[http://ravallirepublic.com/news/government-and-politics/article\\_45cee8f3-b6d2-54a4-8b4d-92c5a6efb442.html](http://ravallirepublic.com/news/government-and-politics/article_45cee8f3-b6d2-54a4-8b4d-92c5a6efb442.html)>

(3/16, Chaney) and the \*Missoulian (MT)\*  
<[http://missoulian.com/news/local/trump-budget-proposes-big-changes-in-forest-service-interior-spending/article\\_4fff9c2e-ead0-5487-965f-95d6bf982b65.html](http://missoulian.com/news/local/trump-budget-proposes-big-changes-in-forest-service-interior-spending/article_4fff9c2e-ead0-5487-965f-95d6bf982b65.html)>  
(3/16, Chaney).

Also providing coverage are the \*Washington (DC) Examiner\*  
<<http://www.washingtonexaminer.com/winners-and-losers-under-trumps-budget-plan/article/2617543>>  
(3/16, Lawler), the \*Arizona Republic\*  
<<http://www.azcentral.com/story/news/politics/2017/03/16/what-does-trump-budget-eliminate/99223182/>>  
(3/16, Korte), the \*Colorado Statesman\*  
<<https://www.coloradostatesman.com/149138-2/>> (3/16, Tomasic), the \*Boulder (CO) Daily Camera\*  
<[http://www.dailycamera.com/science\\_environment/ci\\_30861713/boulder-may-be-hit-hard-by-trump-cuts](http://www.dailycamera.com/science_environment/ci_30861713/boulder-may-be-hit-hard-by-trump-cuts)>  
(3/16, Brennan), the \*Delmarva (MD) Daily Times\*  
<<http://www.delmarvanow.com/story/news/local/virginia/2017/03/16/national-wildlife-refuge-cuts/99252064/>>  
(3/16, Chesson), the \*Detroit (MI) Free Press\*  
<<http://www.freep.com/story/news/local/michigan/2017/03/16/trump-budget-cuts-michigan/99266680/>>  
(3/16, Spangler), the \*Newport News (VA) Daily Press\*  
<<http://www.dailypress.com/news/dp-trump-budget-blueprint-a-mixed-impact-for-virginia-peninsula-20170316-story,amp.html>>  
(3/16, Ress), the \*Memphis (TN) Commercial Appeal\*  
<<http://www.commercialappeal.com/story/news/politics/2017/03/16/president-trumps-proposed-budget-cuts-would-felt-tennessee/99254708/>>  
(3/16, Collins), the \*Tri-State Livestock News (SD)\*  
<<http://www.tsln.com/news/president-trump-requests-11-6-billion-for-interior-departments-fy-2018-budget/>>  
(3/16), the \*San Francisco (CA) Chronicle\*  
<<http://www.sfgate.com/news/article/Trump-budget-slashes-agency-money-to-boost-11005517.php?ipid=articlerecirc>>  
(3/16, Taylor), the \*San Francisco (CA) Chronicle\*  
<<http://www.sfgate.com/bayarea/article/Trump-blueprint-budget-cuts-domestic-11006324.php>>  
(3/16, Lochhead), \*The Guardian (UK)\*  
<<https://www.theguardian.com/environment/2017/mar/16/trump-budget-cuts-climate-change-clean-up-programs-epa>>  
(3/16, Milman), \*Montana Public Radio\*  
<<http://mtptr.org/post/president-proposes-12-percent-cut-interior-department-budget>>  
(3/16, O'Brien), \*Natural Gas Intelligence\*  
<<http://www.naturalgasintel.com/articles/109791-epa-clean-power-plan-liheap-among-casualties-of-trumps-proposed-budget>>

(3/16, Passut), the \*Nation Sun News\*

<<https://www.indianz.com/News/2017/03/16/donald-trump-brings-bad-news-to-indian-c.asp>>

(3/16), \*Wired\*

<<https://www.wired.com/2017/03/trumps-trying-chainsaw-nearly-every-environmental-program/>>

(3/16, Stockton), \*WUSA-TV Washington (DC)\*

<<http://www.wusa9.com/news/nation-now/trumps-federal-budget-would-eliminate-dozens-of-agencies-and-programs/423042585>>

Washington (3/16, Korte), \*WJBK-TV Detroit (MI)\*

<<http://www.fox2detroit.com/news/local-news/242037923-story>> Detroit (3/16,

Rowe), and \*KRWG-FM Las Cruces (NM)\*

<<http://krwg.org/post/udall-president-s-budget-devastating-new-mexicans-and-i-predict-it-dead-arrival>>

Las Cruces, NM (3/16).

White House Budget Cuts Target Climate Science And Research. The New York Times

<<https://www.nytimes.com/2017/03/16/climate/trump-budget-science-research.html>>

(3/16, Fountain, Schwartz) reports that President Trump unveiled his proposed budget on Thursday to the shock of “scientists, researchers and program administrators.” Climate science programs throughout the federal government were targeted for elimination. During a White House briefing, Mick Mulvaney, the director of the Office of Management and Budget, further clarified, “As to climate change, I think the president was fairly straightforward: We’re not spending money on that anymore.” The Washington Times

<<http://m.washingtontimes.com/news/2017/mar/16/trump-budget-targets-obama-climate-change-policies/>>

(3/16, Boyer) reports that the budget proposal offers \$100 million in savings in fiscal 2018 “by discontinuing funding for climate-change research, international climate-change programs and the Obama administration’s Clean Power Plan.” The Washington Post

<[https://www.washingtonpost.com/business/economy/trump-federal-budget-2018-massive-cuts-to-the-arts-science-and-the-poor/2017/03/15/0a0a0094-09a1-11e7-a15f-a58d4a988474\\_story.html?hpid=hp\\_hp-banner-main\\_b-budget-12am%3Ahomepage%2Fstory](https://www.washingtonpost.com/business/economy/trump-federal-budget-2018-massive-cuts-to-the-arts-science-and-the-poor/2017/03/15/0a0a0094-09a1-11e7-a15f-a58d4a988474_story.html?hpid=hp_hp-banner-main_b-budget-12am%3Ahomepage%2Fstory)>

(3/16, Paletta) reports that if implemented, the budget cuts would “represent the widest swath of reductions in federal programs since the drawdown after World War II,” a state goal of the new administration.

Meanwhile, the AP

<[https://www.washingtonpost.com/politics/trump-budget-would-gut-science-environmental-programs/2017/03/16/81cce9b2-0a81-11e7-bd19-fd3afa0f7e2a\\_story.html](https://www.washingtonpost.com/politics/trump-budget-would-gut-science-environmental-programs/2017/03/16/81cce9b2-0a81-11e7-bd19-fd3afa0f7e2a_story.html)>

(3/16, Daly) says the budget cuts to science and environmental programs “reflect the Republican’s rejection of mainstream science.”

The \*Washington Post\*

<<https://www.washingtonpost.com/news/energy-environment/wp/2017/03/16/trumps-budget-would-torpedo-obamas-investments-in-climate-change-and-clean-energy/>>

(3/16, Mooney) says the budget proposal “presents a wholesale repudiation of two main Obama administration objectives: fighting climate change and stoking a revolution in renewable energy.” The \*Washington Times\*

<<http://www.washingtontimes.com/news/2017/mar/16/trump-budget-targets-obama-climate-change-policies/>>

(3/16, Boyer) reports that it shows Trump’s “intention to end President Obama’s climate-change policies, including eliminating funding for the so-called Clean Power Plan.” David Goldston of the Natural Resources

Defense Council told \*USA Today\*

<<http://www.usatoday.com/story/news/politics/2017/03/16/wilderness-society-ocean-conservancy-say-budget-cuts-would-harm-environment/99261138/>>

(3/16, Sullivan), “Calling this a budget is kind of the equivalent of calling a nuclear attack a disagreement.” Goldston “said the danger was not that Congress would approve the proposal but that it ‘might take this seriously as a point for negotiation.’”

Additional coverage was provided by \*CNN\*

<<http://www.cnn.com/2017/03/16/health/trump-budget-medical-science-huge-cuts/index.html>>

(3/16, Christensen), the \*Christian Science Monitor\*

<<http://www.csmonitor.com/Environment/Inhabit/2017/0316/Trump-budget-slashes-climate-science.-Why-does-that-matter>>

(3/16), \*Vox\*

<<http://www.vox.com/policy-and-politics/2017/3/16/14940444/2018-budget-trump-science-nih>>

(3/16, Resnick), \*The Verge\*

<<http://www.theverge.com/2017/3/16/14951398/trump-mick-mulvaney-climate-change-epa-budget-cuts>>

(3/16, Becker), \*The Verge\*

<<http://www.theverge.com/2017/3/16/14944084/trump-budget-science-funding-politics-epa-hhs-agriculture-interior>>,

and \*Ars Technica\*

<<https://arstechnica.com/science/2017/03/trump-flips-science-the-bird-with-new-budget/>>

(3/16, TIMMER, GITLIN, JOHNSON).

Lawmakers, Scientific Community Respond To Proposed Budget Cuts. The Denver Post

<<http://www.denverpost.com/2017/03/16/michael-bennet-colorado-spri>

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**From:** Chambers, Micah <micah\_chambers@ios.doi.gov>  
**Sent:** Wednesday, May 10, 2017 2:40 PM  
**To:** domnitchc@api.org; Ryan Ullman  
**Subject:** Fwd: Letter to Sec. Zinke re. BLM's Methane Waste Prevention Rule  
**Attachments:** image001.gif; image002.gif; image003.jpg; image004.jpg; image005.jpg; image006.jpg; 5.10.17 INTERIOR Sec. Zinke\_BLM Methane Waste Rule (SIGNED).pdf

FYI

----- Forwarded message -----

**From:** Forsythe, Liam (Heitkamp) <[Liam\\_Forsythe@heitkamp.senate.gov](mailto:Liam_Forsythe@heitkamp.senate.gov)>  
**Date:** Wed, May 10, 2017 at 2:21 PM  
**Subject:** Letter to Sec. Zinke re. BLM's Methane Waste Prevention Rule  
**To:** "Chambers, Micah ([micah\\_chambers@ios.doi.gov](mailto:micah_chambers@ios.doi.gov))" <[micah\\_chambers@ios.doi.gov](mailto:micah_chambers@ios.doi.gov)>  
**Cc:** "Venuto, Sarah (Manchin)" <[Sarah\\_Venuto@manchin.senate.gov](mailto:Sarah_Venuto@manchin.senate.gov)>

Micah -

Please see attached for a letter to Sec. Zinke regarding BLM's "Waste Management Production Subject to Royalties, and Resource Conservation" Rule or Methane Waste Prevention Rule.

If you have any questions please do not hesitate to contact me at [Liam Forsythe@heitkamp.senate.gov](mailto:Liam_Forsythe@heitkamp.senate.gov) <[mailto:Liam\\_Forsythe@heitkamp.senate.gov](mailto:Liam_Forsythe@heitkamp.senate.gov)> or (202) 224.2043

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Micah Chambers  
Special Assistant / Acting Director  
Office of Congressional & Legislative Affairs  
Office of the Secretary of the Interior



# United States Senate

WASHINGTON, DC 20510

May 10, 2017

The Honorable Ryan Zinke  
Secretary  
Department of Interior  
1849 C Street NW  
Washington, DC 20240-0002

Dear Secretary Zinke:

In the course of reviewing and taking comment on the “Waste Management Production Subject to Royalties, and Resource Conservation” (Methane Waste Prevention Rule), released by the Bureau of Land Management (BLM) on November 15, 2016, we have determined that sufficient concerns exist with the final regulation and request that you take the necessary steps to promulgate a revised or new rule. Put simply, we believe the BLM erred in its development of the rule and failed to adequately consider credible concerns raised by industry stakeholders and tribes with active oil and gas production on federal and Indian lands.

The BLM stated the rule was intended to update “30-year old regulations governing venting, flaring, and leaks of natural gas, and [to] help curb waste of public resources, reduce harmful methane emissions, and provide a fair return on public resources for federal taxpayers, tribes and states.”<sup>1</sup> Unfortunately, in issuing the rule, we believe the BLM overreached and created some areas of duplication – and in the case of Indian lands, the BLM improperly included lands that are not federal lands without proper consultation. Therefore, significant modifications to the rule must be pursued.

On March 28, 2017, President Trump issued Executive Order 13783 on “Promoting Energy Independence and Economic Growth” that, among other things, directs the Department of the Interior (DOI) to review this rule and determine if it should be revoked or revised. We agree with the Administration’s call to review this rule – and ask that in reviewing the rule the Administration meet with affected industry stakeholders, tribes, and state regulators on making the necessary revisions. And, while we agree that this rule contains significant flaws, as elected officials, we have a responsibility to our constituents to ensure that taxpayer-owned resources are not unnecessarily wasted. These resources belong to the American taxpayer and various Indian tribes, and it is the responsibility of the BLM to manage these valuable resources in a manner that delivers the best return for the taxpayer and tribes.

The independent and non-partisan Government Accountability Office (GAO) has stated on at least two separate occasions that the Department of the Interior’s regulations were not sufficient to protect against waste and ensure the best return for the American taxpayer. GAO found in a 2013 report that, “Interior changed certain offshore lease terms — including raising royalty rates twice in response to changing market conditions. For onshore resources, which are subject to many of the same market conditions, Interior has considered but not made changes to royalty rates ... Interior officials are currently unable to make timely adjustments to onshore royalty rates. Current regulations generally provide for a fixed onshore royalty rate that limits Interior’s flexibility to make timely adjustments.”<sup>2</sup> In a July 2016 report, GAO found that while Interior had made efforts on the collection and reporting of data related to royalty-bearing oil and gas production, there had been limited guidance on how operators should address emissions.<sup>3</sup> The report stated “[a]s a result of these limitations, Interior may not have a consistent accounting of natural gas emissions from onshore federal leases, and does not have the information it needs to reasonably ensure it is minimizing waste on these leases.”<sup>4</sup>

BLM developed this rule in response to GAO findings about wasted public resources. These findings are further substantiated by the fact that, between 2009 and 2015, oil and gas wells on federally-owned lands vented or flared

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<sup>1</sup> “Interior Department Announces Final Rule to Reduce Methane Emissions & Wasted Gas on Public, Tribal Lands.” Press Release. Department of the Interior. November 15, 2016.

<sup>2</sup> “Oil and Gas Resources: Actions Needed for Interior to Better Ensure a Fair Return.” GAO, Report to the Chairman, Committee on Energy and Natural Resources, U.S. Senate. December 2013.

<sup>3</sup> King, Pamela. “Dumping Interior rules means tossing waste safeguards.” Energywire, 27 February 2017

<sup>4</sup> “Oil and Gas Resources: Interior Could Do More to Account for and Manage Natural Gas Emissions.” GAO, Report to Congressional Requesters, July 2016.



approximately 462 billion cubic feet of natural gas into the atmosphere, a substantial loss of royalties to the American taxpayer. Given these findings of waste, there is a clear and corresponding need to improve the methods used to ensure a better return for taxpayers. Therefore, we urge you to modify the Methane Waste Prevention Rule in a manner that ensures an adequate return of royalties to the Treasury, while also preventing an unnecessary decline in oil and gas production on public lands. It is our understanding that you have several tools at your disposal to pursue a thoughtful and effective regulation that can achieve these goals. Those tools include: (a) requesting that the District Court of Wyoming, the court currently consider this rule in a pending lawsuit, actually remand the rule back to BLM to reconsider the issues raised by the lawsuit<sup>5</sup>; (b) begin the process of revising the rule by issuing both a rule suspending enforcement and a replacement rule to correct the inherent flaws in the current rule; or (c) use your enforcement discretion to issue guidance indicating that the BLM does not intend to enforce certain portions of the rule until the rule is fully reconsidered.

We appreciate your willingness to review and address this rule, and we look forward to working with you to fix the current rule – making it more responsive and efficient for industry and state regulators while preventing waste and ensuring the maximum return for the American taxpayer.

Sincerely,



Heidi Heitkamp  
United States Senator



Joe Manchin III  
United States Senator

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<sup>5</sup> *Wyoming v. Department of Interior*, NO. 16-CV-00285 (D.Wy filed Nov. 18, 2016)

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**From:** Micah Chambers <micah\_chambers@ios.doi.gov>  
**Sent:** Wednesday, April 5, 2017 3:18 PM  
**To:** domnitchc@api.org  
**Subject:** Fwd: proposals  
**Attachments:** ATT00001.htm; Methane proposals.docx

Found your address. Here's the doc

Sent from my iPhone

Begin forwarded message:

**From:** "Orth, Patrick (Portman)" <[patrick\\_orth@portman.senate.gov](mailto:patrick_orth@portman.senate.gov)>  
**Date:** April 5, 2017 at 1:53:17 PM EDT  
**To:** "Chambers, Micah" <[micah\\_chambers@ios.doi.gov](mailto:micah_chambers@ios.doi.gov)>  
**Subject:** proposals

Micah – see attached for 3 different proposals.

Patrick Orth  
Legislative Assistant  
Office of Senator Rob Portman  
Phone: 202-224-3353  
Email: [Patrick\\_orth@portman.senate.gov](mailto:Patrick_orth@portman.senate.gov)

1) **Program to Phase-out High-bleed Pneumatic Controllers – Implementation Principles**

**General**

- 5-year replacement goal for all onshore continuous high bleed pneumatic controllers
- Create a new and separate Gas STAR Pneumatics Program (separate from the proposed Gas Star Gold program and the old Gas STAR program)
- Work together with interested parties to develop the program specifics

**Program Specifics**

- Replace all onshore continuous-high-bleed controllers with one of the following:
  - Continuous-low-bleed controllers
  - Intermittent-vent controllers
  - Electrically operated controllers and valve actuators or mechanical controllers
  - Convert to instrument air to replace natural gas as the motive gas, or
  - Remove from service where feasible with no replacement
- Support annual reporting and alignment with timing of GHG reporting – March 31<sup>st</sup> reporting deadline for the previous calendar year. Reports would include the following regarding a company's on shore continuous-high-bleed controllers:
  - Number replaced
  - Number swapped to instrument air
  - Number eliminated
  - Number remaining
- Targets to meet 100% replacement goal within 5 years
- Only affects controllers located at upstream onshore production and gathering facilities as well as natural gas processing plants
- EPA may make program details and submitted company-specific data publically available
- Maintain Subpart OOOO exemption based on functional needs, including but not limited to maintain time, safety, and positive actuation

2) **Leak Program for Oil and Gas Production Sources – Implementation Principles**

**General**

- Targeted toward higher emissions sources
- Applies to new and existing onshore sites upstream of gas processing plant (as defined in OOOO)
- Applies to onshore production sites with online storage vessel or compressor
- Incorporates five-year phase in schedule to implement initial monitoring for participating existing sites based on individual company plan

- Instrument based monitoring programs within existing state regulatory and permit requirements or participation in voluntary program should satisfy future regulatory requirements (i.e., NSPS OOOO)
- Allow flexibility in leak detection methods and technologies (e.g., Method 21, IR camera, or other equivalent) to satisfy the voluntary program requirements
- Committed to reasonable, cost-effective reporting that tracks progress

### Program Specifics

<b>Target</b>	Broad facility survey
<b>Target Components</b>	Significant emission sources such as malfunctioning fugitive emission components, pneumatic controllers not functioning as designed, and controlled hydrocarbon storage vessels
<b>Method</b>	IR camera or equivalent
<b>Initial Survey</b>	
Existing Site	Phased in, initiated within no later than 18 months and concluded over no more than a 5 year period
New Site	Within 180 days of start of production following installation of new hydrocarbon storage vessel or compressor
<b>Subsequent Surveys</b>	Annual after initial survey
<b>Repair Period</b>	<ul style="list-style-type: none"> <li>• 1<sup>st</sup> attempt within 15 days</li> <li>• Repair within 60 days (pending part availability)</li> <li>• Delay of repair (at next shut down or pending part availability)</li> </ul>
<b>Reporting</b>	
Frequency	Annual
Contents	<ul style="list-style-type: none"> <li>• Number of new sites monitored</li> <li>• Number of existing sites monitored</li> <li>• Number of leaks repaired (excluding those repaired during survey)</li> <li>• Number of leaks not repaired and reason for delay</li> </ul>
Tagging/Other identification	Only of leaking components not repaired during survey

- 3) Continue reporting of liquids unloading venting and work with companies to help reduce their liquids unloading venting.
  - o The Waste Prevention, Production Subject to Royalties, and Resource Conservation rule requires that liquids unloading venting be reported that lasts more than 24 hours in a production month or greater than 75 MCF during a

production month. BLM could continue such reporting to determine wells with high liquids unloading venting.

- o BLM should work with companies with high liquids unloading venting to identify options to reduce venting.

---

**From:** Chambers, Micah <micah\_chambers@ios.doi.gov>  
**Sent:** Wednesday, April 5, 2017 3:07 PM  
**To:** Ryan Ullman  
**Subject:** Fwd: proposals  
**Attachments:** Methane proposals.docx

----- Forwarded message -----

**From:** **Chambers, Micah** <[micah\\_chambers@ios.doi.gov](mailto:micah_chambers@ios.doi.gov)>  
**Date:** Wed, Apr 5, 2017 at 2:01 PM  
**Subject:** Fwd: proposals  
**To:** Katharine Macgregor <[katharine\\_macgregor@ios.doi.gov](mailto:katharine_macgregor@ios.doi.gov)>

To be included.

----- Forwarded message -----

**From:** **Orth, Patrick (Portman)** <[patrick\\_orth@portman.senate.gov](mailto:patrick_orth@portman.senate.gov)>  
**Date:** Wed, Apr 5, 2017 at 1:53 PM  
**Subject:** proposals  
**To:** "Chambers, Micah" <[micah\\_chambers@ios.doi.gov](mailto:micah_chambers@ios.doi.gov)>

Micah – see attached for 3 different proposals.

Patrick Orth

Legislative Assistant

Office of Senator Rob Portman

Phone: 202-224-3353

Email: [Patrick\\_orth@portman.senate.gov](mailto:Patrick_orth@portman.senate.gov)

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Micah Chambers  
Special Assistant / Acting Director  
Office of Congressional & Legislative Affairs  
Office of the Secretary of the Interior

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**From:** Heather Swift <heather\_swift@ios.doi.gov>  
**Sent:** Tuesday, January 31, 2017 9:01 AM  
**To:** (b) (6) douglas\_domenech@ios.doi.gov  
**Subject:** Fwd: U.S. Department of the Interior News Briefing for Tuesday, January 31, 2017

Sent from my iPhone

Begin forwarded message:

**From:** Bulletin Intelligence <[Interior@bulletinintelligence.com](mailto:Interior@bulletinintelligence.com)>  
**Date:** January 31, 2017 at 7:02:03 AM EST  
**To:** <[Interior@BulletinIntelligence.com](mailto:Interior@BulletinIntelligence.com)>  
**Subject:** U.S. Department of the Interior News Briefing for Tuesday, January 31, 2017

## **U.S. DEPARTMENT OF THE INTERIOR NEWS BRIEFING**

Mobile version and searchable archives available at [interior.bulletinintelligence.com](http://interior.bulletinintelligence.com). Please [contact](#) Public Affairs with subscription requests, questions or comments.

**DATE: TUESDAY, JANUARY 31, 2017 7:00 AM EST**

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**DOI in the News:**

**SENATE COMMITTEE TO VOTE ON PERRY, ZINKE NOMINATIONS TODAY.** [The Hill](#) (1/30, Henry, 1.25M) reports the Senate Energy and Natural Resources Committee today “will consider Ryan Zinke’s nomination to lead the Interior Department and Rick Perry’s nomination to be Energy Secretary.” Originally, the votes were scheduled “for last Tuesday.” Last week, a Senate aide indicated “the cancellation was due to a ‘misunderstanding’ between top committee lawmakers.” [Public Power Daily](#) (1/31, Anderson) reports neither Perry nor Zinke’s nomination “is viewed as particularly controversial.” A separate piece by [The Hill](#) (1/30,

Cama, Henry, 1.25M) notes that some Democrats have “expressed concerns” about the candidates’ positions on a variety of issues.

Additional coverage was provided by the [Washington Post](#) (1/30, 11.43M), the “Morning Energy” blog of [Politico](#) (1/30, Adragna, 12K), [E&E Daily](#) (1/30, Subscription Publication), [CBS News](#) (1/30, 4.4M), and [KUIK-AM](#) Portland, OR (1/28).

***Alaska Gov. Walker Praises Zinke.*** The [AP](#) (1/30, 2.2M) reports that Alaska Gov. Bill Walker on Monday “expressed renewed hope for working with the federal government on oil, gas and land issues, praising President Donald Trump’s pick to head the Interior Department as ‘just what we need.’” Walker said Zinke “understood the challenges Alaska has had with access to federal lands for things like resource development.” He said, “I think we’re going to have a very, very different relationship, certainly with the Department of Interior and what they oversee.”

***Cattlemen’s Beef Association And Public Lands Council Support Confirmation Of Zinke.*** The [High Plains and Midwest AG \(KS\) Journal](#) (1/30) reports that the National Cattlemen’s Beef Association and the Public Lands Council released a statement on Jan. 16 in support of the confirmation of Rep. Ryan Zinke as secretary of interior. Tracy Brunner, NCBA president, said, “During his tenure in the U.S. House of Representatives, Rep. Zinke has consistently advocated for our western communities, economies, and ranchers. He has demanded transparency and the inclusion of stakeholders when it comes to land management decisions, and has a strong understanding of the challenges that come with stewarding the West.” Dave Eliason, PLC president, added, “The current leadership of the Department of Interior refuses to stand up for the very people who have invested their time and livelihoods into the management and improvement of public lands. Having a Secretary of Interior who understands public lands, and who values true cooperation with stakeholders is in the best interest of all Americans. We are excited for Representative Zinke to refocus the agency’s efforts to their core mission, and to have someone in this role that understands the unique challenges we face in the West.”

**ZINKE ELABORATES ON ETHICS, ENERGY, PUBLIC LANDS POSITIONS.** [E&E](#) (1/30) report that ahead of the Senate Energy and Natural Resources Committee’s vote Tuesday on Interior secretary nominee Ryan Zinke, “the Montana Republican lawmaker disclosed to the committee that a super political action committee he was once affiliated with is under investigation and reaffirmed his opposition to turning federal lands over to states.” Zinke also “told Sen. Debbie Stabenow that he supports transferring the Forest Service from the Agriculture Department to Interior — a position that he noted the Michigan Democrat had ‘concerns’ with when they met privately.” Zinke also “elaborated on his views on energy development, climate change and science, fire management, endangered species, and other hot-button issues in his responses to questions for the record submitted by committee members.”

**BERNHARDT SEEN AS FRONT-RUNNER TO BECOME INTERIOR DEPUTY SECRETARY.** [E&E](#) (1/30) reports that “a high-ranking George W. Bush administration Interior Department lawyer could soon be making a comeback as the agency’s No. 2 official.” David Bernhardt, “who served as the department’s top attorney under Bush and worked on the Trump transition team, is the front-runner to become Interior’s next deputy secretary, according to a source close to the Trump administration.” Bernhardt was “in charge of Trump’s Interior transition team for a short time after the November presidential election but was replaced as that team’s leader later that month by Doug Domenech, another Bush-era Interior Department staffer.”

**TRUMP ORDERS ELIMINATION OF TWO REGULATIONS FOR EVERY NEW ONE.**

[USA Today](#) (1/30, Korte, 5.28M) reports that President Trump on Monday signed an executive action he said will “knock out two regulations for every new regulation” federal agencies adopt. Trump called the action “the largest cut by far, in terms of regulation,” in history and said the policy was targeted at small business. Trump said, “There will be regulation, there will be control, but there will be normalized control where you can open your business and expand your business.” USA Today adds that directive’s text “was not immediately available, and it was unclear how the two-for-one mechanism would work.” [Reuters](#) (1/30, Rascoe) says Trump’s action “will prepare a process for the White House to set an annual cap on the cost of new regulations.” For the remainder of the fiscal year, “the cap will require that the cost of any additional regulations be completely offset by undoing existing rules.” Trump [tweeted](#), “The American dream is back. We’re going to create an environment for small business like we haven’t had in many, many decades!” He [re-tweeted](#) the post on the @POTUS Twitter account.

While a [Wall Street Journal](#) (1/30, Subscription Publication, 6.37M) editorial praises the order, arguing that it will it could lead to job creation and new investment, a number of reports highlights the difficulty Trump may face in putting it into action. For example, [Politico](#) (1/30, Restuccia, 2.46M) said that while Trump’s aides cast the move as “the most significant regulatory reform effort in decades,” implementing it “isn’t as simple as Trump’s flashy ‘one in, two out’ slogan suggests.” According to Politico, the order “could take months, if not years, to implement and likely faces costly court challenges.” [Bloomberg Politics](#) (1/30, Dlouhy, 201K) similarly says that “fulfilling the promise...may prove more difficult than signing an order.” Eliminating a regulation “involves months of work that can include vetting multiple rule drafts and reacting to thousands or even millions of comments from industries, trade groups and individuals.” Moreover, the process “can be challenged with a lawsuit by aggrieved parties.”

***Trump’s Two For One Regulation Rule Concerns Policy Experts.*** The [Minneapolis Star Tribune](#) (1/30, 1.27M) reports Trump’s executive order mandating the repeal of two regulations for every new one instituted has concerned policy experts. “There’s no logic to this,” says William Gale, a tax and fiscal policy expert at the Brookings Institution. The order also caused concerns among environmental groups who fear the order will be used to roll back environment and climate regulations. Trump claims the rollback will help small and medium sized business. He further stated he would like to remove 75 percent of existing regulations

***Trump’s Two-For-One Order Could Put Endangered Species At Risk.*** The [Idaho Statesman](#) (1/30, 197K) reports Trump’s executive two for one order could delist the Yellowstone grizzly from the endangered species list. The order forces the Office of Management and Budget to calculate the cost of each regulation and for new rules to create a “net economic benefit.” Brett Hartl, director of Government Affairs at the Center for Biological Diversity, says, “Every time you repeal a rule, you are passing a rule.” The Trump White House also told employees not to issue new regulations without having an Administration official review the rule first-- a difficult task when many posts have yet to be filled or even nominated.

**HOUSE TO VOTE ON PUBLIC LAND, CYBERSECURITY BILLS THIS WEEK.** [E&E](#) (1/30) reports that the House this week will “vote on a series of bills addressing land and cybersecurity concerns, including a measure authorizing research into adding Fort Ontario to the National Park System.” According to the article, “the special resource study called for in H.R. 46 would evaluate the national significance of the site, which was destroyed by French forces in 1756 and rebuilt.” The bill orders “the Interior secretary to issue a report no later than three years after funding becomes available that would include the costs of alternative means for preservation of the area, which is on the National Register of Historic Places.”

## **FEDERAL HIRING FREEZE SPARKS CONCERNS ABOUT SEASONAL**

**FIREFIGHTERS.** The [Idaho Statesman](#) (1/30, 197K) reports that President Trump’s federal hiring freeze “does have national security and public safety exceptions that appear to cover firefighters.” However, “it’s been a week, and federal agencies are still looking for details.” The Statesman notes that “agencies are compiling lists of what positions meet the national security and public safety exemptions, and most expect firefighting to easily fall into that category, said sources in the Department of Agriculture and Interior.”

**HUNDREDS RALLY FOR PUBLIC LANDS IN MONTANA.** The [Bozeman \(MT\) Daily Chronicle](#) (1/30, 52K) reports that “about 700 people” gathered Monday at a rally for public lands in Helena, Montana. According to the article, “speakers railed against land transfer and talked about how important public lands are to both the state’s economy and everyday life.” Interior nominee Ryan Zinke, “was also on the menu at the rally, as some of the speakers called on him to ensure public lands in Montana remain public under his watch.”

Additional coverage was provided by the [Billings \(MT\) Gazette](#) (1/30, 208K).

**FELBAB-BROWN: TRUMP SHOULD BE QUESTIONED AT EVERY OPTION OVER CONSTRUCTING A WALL.** For the “Pundits” blog of [The Hill](#) (1/30, Felbab-Brown, Contributor, 1.25M), Vanda Felbab-Brown, a senior fellow in foreign policy at The Brookings Institution, writes President Trump’s rhetoric against Mexico demonstrated “the shallowness of his concept of the wall, its costs, and how they will be financed and borne.” She argues the public, press, and members of Congress need to continuously ask the president about the cost of his proposed wall and all assumptions the plan is based on. She points out the cost of the wall ranges from a little as \$12 billion up to \$285 billion.

## **America’s Great Outdoors:**

### *National Park Service:*

**EX-NPS DIRECTOR ACCUSES ADMINISTRATION OF TRYING TO “SUPPRESS” AGENCY.** The [Washington Post](#) (1/30, Rein, Eilperin, 11.43M) reports that ex-National Park Service Director Jonathan Jarvis, who retired earlier this month, “spoke out Monday against the Trump administration’s efforts to ‘suppress’ the agency, posting a lengthy statement on a Facebook site for park rangers in support of employees.” Writing on the Facebook page of the Association of National Park Rangers, Jarvis said, “I have been watching the Trump administration trying unsuccessfully to suppress the National Park Service with a mix of pride and amusement.” Jarvis “was referring to the communications blackout the administration ordered last week at the Park Service and other agencies restricting what they should convey to the public about their work.”

**“WOOFIELEAKS” LEADS TO DELAY OF DOG RULES AT GOLDEN GATE NATIONAL RECREATION AREA.** The [Washington Post](#) (1/30, Bittel, 11.43M) reports that “dog owners have been fighting the National Park Service for years over a proposal to restrict dog-walking” within the Golden Gate National Recreation Area. Recently, “one of the groups opposed to the new rules upped the ante, filing Freedom of Information Act requests for Park Service emails about the plan and posting them this month on a website.” According to Save Our Recreation, “the pro-dog group that created WoofieLeaks, the FOIA-ed communications show Park Service bias against dog enthusiasts.” Following the “leaks”, officials with the recreation area “announced this month that implementation of the new dog-walking rules would be delayed indefinitely” and “the Park Service also is planning an investigation.”



**LOWELL NATIONAL HISTORICAL PARK RECEIVES \$25,000 GRANT TO INCREASE TRAIL USAGE.** The [Lowell \(MA\) Sun](#) (1/30, 138K) reports that the Lowell National Historical Park has “received a \$25,000 grant in an initiative meant to get residents living near the park to use its trails.” The grant, from the National Park Foundation, will “engage more than 250 residents in activities like hiking, birding, photography, canal cleanups, learning about botany and ecology, and stress-reducing activities, such as yoga and meditation.”

**NPS SEEKS PUBLIC COMMENTS ON ISLE ROYALE WOLVES.** The [AP](#) (1/30, 272K) reports that “federal officials are inviting the public to learn more about options for dealing with the declining gray wolf population at Isle Royale National Park in Michigan.” The National Park Service has “scheduled open houses for Feb. 14 in Duluth, Minnesota, and Feb. 15 in Houghton, Michigan.” Also, “for those who can’t attend, webinars are scheduled for Feb. 16 and Feb. 21.”

Additional coverage was provided by [WWTW-TV](#) Cadillac, MI (1/30, 51K).

**NPS SEEKS PUBLIC INPUT ON MONOCACY BATTLEFIELD ACCESS.** The [AP](#) (1/30, 272K) reports that the National Park Service is “soliciting public comment on a plan to add eight miles of pedestrian trails and a kayak launch to the Monocacy (mah-NAH’-kah-see) National Battlefield near Frederick.” The environmental assessment, which was released Friday, is “open for review through Feb. 28.” According to park Superintendent Chris Stubbs, “the plan would enable more visitors to walk in the footsteps of soldiers who fought there on July 9, 1864.”

*Fish and Wildlife Service:*

**TRUMP’S FORMER ADVISER CALLS FOR OVERHAUL OF ENDANGERED SPECIES ACT.** The [Independent \(UK\)](#) (1/30, Batchelor, 1.28M) reports that “a senior member of Donald Trump’s now-defunct transition team has called for the US Endangered Species Act to be drastically watered down, claiming it doesn’t actually protect wildlife.” Myron Ebell, “who led a team tasked by the Republican billionaire with drafting an action plan to overhaul the Environmental Protection Agency (EPA), said the legislation was being used as a ‘political weapon’ and many of its policies should be scrapped.” Speaking in London on Monday, Ebell said: “The endangered species act doesn’t do much for protecting endangered wildlife, but it does a huge amount to control private property land use, and it is enforced very selectively, so that some landowners are not affected but people with exactly the same habitat, their use is limited or eliminated.” He continued, “It is a political weapon and I am very interested in reforming, and I don’t know if we will see that any time in the next decade, but I hope so.”

**ENVIRONMENTAL GROUP FILES SUIT OVER POLYMET LAND SWAP.** The [Virginia \(MN\) Mesabi Daily Tribune](#) (1/30, 60) reports that “an environmental group officially filed a lawsuit to block the federal government’s land exchange with PolyMet, a crucial step in the company’s attempt to build a copper-nickel mine near Hoyt Lakes.” WaterLegacy filed the suit Monday in U.S. District Court, “seeking to overturn a 6,560-acre land swap, which the group says ‘violated the Federal Land Policy and Management Act because it failed to consider the highest and most profitable use of the lands for mining related uses, significantly undervalued the federal lands, and would result in a windfall for the PolyMet foreign corporation at the expense of Minnesota taxpayers and public lands.’” Meanwhile, the Center for Biological Diversity and Earthworks has “filed a formal 60-day notice of intent to sue the U.S. Fish and Wildlife Service and U.S. Forest Service under the Endangered Species Act, saying the project would disrupt lynx and wolf habitats.”



**ADDITIONAL COVERAGE: LESSER LONG-NOSED BAT COULD BE REMOVED FROM ENDANGERED LIST.** Additional coverage that the lesser long-nosed bat is proposed for removal from the endangered species list was provided by [Courthouse News](#) (1/30, 2K).

*Bureau of Land Management:*

**BUNDY STANDOFF TRIAL PUTS SPOTLIGHT ON WESTERN LAND FIGHT.** The [Reno \(NV\) Gazette-Journal](#) (1/30, 219K) reports that “the fight over America’s public lands is lurching back to the national spotlight.” Nevada rancher Cliven Bundy, his sons Ryan and Ammon Bundy and “compatriots will stand trial in February in federal court over their 2014 armed standoff with the U.S. Bureau of Land Management.” Meanwhile, in Congress, “legislative proposals could upend who’s in charge of tens of millions of acres of federal land across the West.” According to the article, “the trial will force participants to relive the tense moments when federal agents and armed Bundy sympathizers narrowly averted a shootout after the BLM tried to seize the Bundys’ cattle over unpaid grazing fees,” and “that tension will carry over into Congress, where conservationists, hunters, miners, energy developers, recreationists and rural communities are rallying behind the forces they believe will defend their version of the American West.”

**AERIAL PROJECT WILL RESEED 10,000 ACRES OF BURNED RANGELAND.** The [AP](#) (1/30, 272K) reports that “state and federal land managers launched an aerial reseed effort to stabilize and rehabilitate more than 10,000 acres of public land burned by wildfires in eastern Nevada last year.” According to the article, “the work started last week and was expected to improve habitat for threatened sage grouse and other wildlife as well as boost the overall health of watersheds.” Officials with the U.S. Bureau of Land Management and Nevada Department of Wildlife were “concentrating the effort in Elko, Eureka and White Pine counties.”

**Securing America’s Energy Future:**

*Onshore Energy Development:*

**CONGRESS POISED TO TARGET OBAMA-ERA ENVIRONMENTAL RULES.** The [Washington Post](#) (1/30, Harvey, 11.43M) reports that Republicans in Congress this week may target “a regulation finalized in mid-November that seeks to curb fugitive methane emissions from oil and gas drilling operations on public lands” and a rule that “prohibits coal-mining companies from engaging in any activities that could permanently pollute streams.” Resolutions to disapprove of the two Obama actions are already scheduled for this week and the rules are poised for elimination under the Congressional Review Act.

The [AP](#) (1/30, Taylor) reports Congressional Republicans are moving swiftly, with the repeal measure “set for a House vote Wednesday and a Senate vote shortly thereafter.” [Politico Pro](#) (1/30) reports that “on Wednesday, the House is slated to vote on whether to nullify the Interior Department’s stream protection rule.” The Senate hasn’t “definitively said when it’ll take up the challenges, but Majority Leader Mitch McConnell plans to use time in between floor votes on Cabinet nomination to consider CRA resolutions.”

[E&E](#) (1/30) reports that Republican lawmakers are “calling on state leaders and the energy industry to craft alternative methane rules for oil and gas operations on public lands.” GOP legislators on Monday were set to “begin the process of repealing a pair of Interior Department regulations.” House Natural Resources Chairman Rob Bishop expected to introduce a joint resolution “that would use authority granted under the Congressional Review Act to undo federal

regulations enacted within the last 60 legislative days.”

Additional coverage was provided by [The Hill](#) (1/30, Devaney, Wheeler, 1.25M), [NPR](#) (1/30, 1.92M), [Reuters](#) (1/30), [The Hill](#) (1/30, Henry, 1.25M), the [Washington \(DC\) Times](#) (1/30, Wolfgang, 272K), [PBS NewsHour](#) (1/30, 255K), the [Billings \(MT\) Gazette](#) (1/30, 208K), the [Casper \(WY\) Star-Tribune](#) (1/30, 93K), the [West Virginia MetroNews](#) (1/30, 6K), [WDTV-TV Bridgeport \(WV\)](#) Bridgeport, WV (1/30, 4K), and [WTVW-TV Evansville \(IN\)](#) Evansville, IN (1/30, 6K).

**Colorado Methane Regulations Helped Grow Economy.** [ClimateWire](#) (1/30, Subscription Publication) reports that House Republicans began to repeal an Interior Department directive to cut methane from oil and gas wells on federal lands, calling it a “bad rule” and “regulatory overreach.” However, a few years earlier, oil and gas companies sat down with environmentalists in Colorado to develop a set of regulations for methane. Proponents say that the similar rule in Colorado has led to reduced methane leaks and created economic growth for the state. Supporters, including industry and environmentalists, say the GOP move to repeal the similar federal regulations could halt the economic growth of the methane mitigation industry.

**NORTH DAKOTA WARNS PAID PIPELINE PROTESTERS TO SUBMIT STATE INCOME TAXES.** The [Washington Times](#) (1/30, Richardson, 272K) reports North Dakota Tax Commissioner Ryan Rauschenberger said his office expects to see state income tax submissions from activists paid to agitate the Dakota Access pipeline protest. Rauschenberger asserted that authorities are “looking at the entities that have potential paid contractors here on their behalf doing work.” He explained, “If an organization is directly paying someone to come and do activities on their behalf, even protesting,” or were “receiving income” while in “North Dakota performing activities for an organization, they owe income tax from Day One.” The state spent more than \$22 million in expenses related to the protest; meanwhile, “millions have been funneled into the six-month-old demonstration via crowdfunding websites” and at least 30 environmental organizations, including Greenpeace and the Sierra Club, are known to have supported the demonstration. If these environmental organizations paid protesters, however, they are “not saying so publicly.”

### **Empowering Native American Communities:**

**NATIVE AMERICANS CONCERNED ABOUT TRUMP ADMINISTRATION PLANS FOR RESERVATIONS.** The [High Country \(CO\) News](#) (1/30, 77K) reports North Dakota lawmakers are pushing to have greater control over Native American reservations. With the new Trump Administration, some feel as if their services will be cut or eliminated. To survive the Trump Administration, some feel that they need to cozy up to state and local authorities as a way to fill gaps in services that may inevitably form.

**CALIFORNIA COUNTY SUES OVER 1,400 TRUST ACRES FOR TRIBE.** [Law360](#) (1/30, 23K) reports that “the county of Santa Barbara sued the Bureau of Indian Affairs in California federal court on Saturday to challenge a decision taking more than 1,400 acres of land into trust for the Santa Ynez Band of Chumash Indians for tribal housing and economic development, claiming the decision flouted trust acquisition regulations and environmental law.”

**FEDS CONTEST ARAPAHO CONTRACT CLAIMS IN SHOSHONE ROW.** [Law360](#) (1/30, 23K) reports that “the federal government on Friday shot back at the Northern Arapaho Tribe’s claim that the Bureau of Indian Affairs improperly rejected proposals to operate a tribal court and offer counseling services under federally funded contracts, saying the tribe has

submitted proposals for contracts without seeking the consent of another tribe that shares its Wyoming reservation.”

### **Office of Insular Affairs:**

**COURT APPROVES EXTENSION OF DEADLINE IN CUC AUTHORIZATION TO PROCEED.** [Marianas Variety](#) (1/31) reports that “District Court for the NMI designated Judge David Carter granted the request of the Commonwealth Utilities Corp. and the federal government to extend the deadline for the CNMI government to file its notice of authorization to proceed with the \$5 million funding for stipulated order 2 projects on or before March 1, 2017.” According to the article, “the CNMI must deposit \$5million into the court’s registry or file a notice with the court regarding the Department of the Interior’s authorization to proceed for funding SO2 projects by Feb. 1, 2017.”

**ADDITIONAL COVERAGE: OIA TRANSMITS \$31.5M IN COMPACT FUNDING TO MARSHALL ISLANDS.** Additional coverage that the Office of Insular Affairs has “released to the Marshall Islands government’s Ministry of Finance Compact payments totaling \$31,503,897 for the period Oct. 1, 2016, to Dec. 31, 2016” was provided by the [Saipan \(MNP\) Tribune](#) (1/31, 641).

### **Tackling America’s Water Challenges:**

**DETERIORATING RELATIONS WITH MEXICO COULD THREATEN COLORADO WATER TALKS.** [E&E](#) (1/30) reports that “President Trump’s rocky relations with Mexico could have major consequences for the Colorado River and the 35 million Americans who rely on it for water.” A bilateral agreement, which “specifies exactly how much water Mexico receives, as well as other important factors like how those deliveries are reduced in years of exceptional drought,” is set to expire this year. The article says that “the seven Colorado River Basin states — and particularly Lower Basin states Nevada, Arizona and California — say it’s pivotal that the new administration finalize a new agreement.” However, “many are now worried that U.S.-Mexico relations have already deteriorated to the point where that may be impossible.”

### **Top National News:**

**TRUMP FIRES ACTING ATTORNEY GENERAL AFTER SHE REFUSES TO DEFEND VISA BAN.** President Trump’s evening dismissal of Acting Attorney General Sally Yates, an Obama Administration holdover, over her defiance of his visa ban is being portrayed as the latest indicator of the fast-moving and chaotic nature of the ongoing story. The firing took place hours after Yates said she would not direct the DOJ to defend the ban, a highly unusual statement that was itself the focus of considerable coverage, which was quickly updated after Trump dismissed her from her job – which she was holding only until Sen. Jeff Sessions’ Senate confirmation. With the acting head of Immigration and Customs Enforcement also dismissed late Monday, some outlets even reference the Watergate-era “Saturday Night Massacre,” when Richard Nixon dismissed top DOJ officials – a comparison that was also [being made on Twitter](#).

[Reuters](#) (1/30) reports that Trump fired Yates “after she took the extraordinarily rare step of defying the White House and saying the Justice Department would not defend” his visa ban. US Attorney for the Eastern District of Virginia Dana Boente was named acting attorney general and promptly reversed Yates’ guidance. The [New York Times](#) (1/30, Landler, Sanger, Subscription Publication, 13.9M) said the firing was part of “an escalating crisis for his 10-day-old administration.” In a statement, Trump said that Yates “had betrayed the administration.”

[McClatchy](#) (1/30, Allam, 74K) reports that Boente was sworn in as acting attorney general at 9:00 p.m. Monday. In a statement, Boente said, “I am honored to serve President Trump in this role until [Attorney General-designate] Sessions is confirmed. I will defend and enforce the laws of our country to ensure that our people and our nation are protected.” McClatchy says the “rapid late night developments recalled the ‘Saturday Night Massacre’ in 1973, when President Richard Nixon fired his attorney general and deputy attorney general over their refusal to dismiss Watergate prosecutor Archibald Cox.”

[USA Today](#) (1/30, Johnson, 5.28M) says the “ouster came just hours after Yates said she would not defend” the executive order. A White House statement that USA Today says “appeared to be in Trump’s own voice” said, “Ms. Yates is an Obama administration appointee who is weak on borders and very weak on illegal immigration.” The [Los Angeles Times](#) (1/30, Lauter, Kaleem, 4.52M) says Trump had initially asked Yates, “a career prosecutor who served as the Obama administration’s deputy attorney general,” to “stay on as acting attorney general pending the confirmation” of Sessions. Earlier in the day Monday, Trump criticized the delay in confirming Sessions [on Twitter](#), calling Yates “an Obama A.G.”

The [AP](#) (1/30, Pace) says that while Yates’ directive was likely to have been temporary, it “deepened the chaos surrounding Trump’s order. At least three top national security officials” – DHS Secretary Kelly, Defense Secretary Mattis, and Secretary of State-designate Tillerson – “have told associates they were not aware of details of directive until around the time Trump signed it. Leading intelligence officials were also left largely in the dark,” and Senate Foreign Relations Chairman Bob Corker “said that despite White House assurances that congressional leaders were consulted, he learned about the order in the media.” The [Washington Post](#) (1/30, Zapotosky, Horwitz, Berman, 11.43M) says Yates’ refusal had marked “a stunning dissent to the president’s directive from someone who would be on the front lines of implementing it.”

The [Washington Post](#) (1/30, Horwitz, 11.43M) has a profile of Yates, who “began her tenure as an Obama appointee two years ago by saying that pursuing justice was more important to her than bringing federal cases in court.” The [Washington Post](#) (1/30, Rucker, Costa, 11.43M) also writes that Sessions’ “fingerprints” were “on nearly all” of Trump’s executive orders thus far, and “his influence in the administration extends far beyond the Justice Department.” Sessions “is the intellectual godfather of the president’s policies,” and is “reach extends throughout the White House.”

The [Boston Globe](#) (1/30, McGrane, Viser, 1.08M) calls Yates’ defiance and dismissal “an extraordinary series of events,” while the [Washington Times](#) (1/30, Dinan, 272K) says the firing “capp[ed] off a dramatic day.” Before the firing, Pete Williams reported on [NBC Nightly News](#) (1/30, story 3, 2:15, Holt, 16.61M), “Justice Department lawyers defended the orders in court over the weekend but tonight Acting Attorney General Sally Yates...tells them to stop defending it. She says the order is not consistent with justice or doing what’s right.” [ABC World News Tonight](#) (1/30, story 7, 1:20, Muir, 14.63M) and the [CBS Evening News](#) (1/30, story 12, 2:05, Pelley, 11.17M) also mentioned Yates’ stance as part of broader coverage. [Bloomberg Politics](#) (1/31, Strohm, 201K) and [Politico](#) (1/30, Gerstein, 2.46M) also have reports.

***ICE Acting Director Also Replaced.*** [McClatchy](#) (1/30, Murphy, 74K) reports Trump “also replaced the acting director of the Immigration and Customs Enforcement on Monday.” The President “did not give a reason for replacing” Daniel Ragsdale. The [AP](#) (1/30) reports Ragsdale was replaced by Thomas Homan, who since 2013 has “served as the executive associate director of ICE Enforcement and Removal Operations.” The [Washington Times](#) (1/30, Morton, 272K)

reports DHS Secretary Kelly said of Homan, “I am confident that he will continue to serve as a strong, effective leader for the men and women of ICE.” [The Hill](#) (1/30, Hensch, 1.25M) and the [Huffington Post](#) (1/30, 237K) also have brief reports.

***Trump Names Duke DHS Deputy Secretary.*** In related news, the [Washington Times](#) (1/30, Dinan, 272K) reports Trump on Monday named Elaine Duke as the DHS deputy secretary. The Times says the selection of the “little-known bureaucrat,” who has “a long history in government management,” disappointed some “immigration crackdown advocates who’d been anticipating a more prominent figure.”

***Massachusetts, Washington State Plan Legal Challenges.*** [Politico](#) (1/30, Dezenski, 2.46M) reports that Massachusetts Gov. Charlie Baker, a Republican, “said Monday that State Attorney General Maura Healey plans to file a brief in US federal court in Boston Tuesday arguing against President Donald Trump’s executive order restricting immigrants from seven Muslim-majority countries.” [Politico](#) (1/30, Conway, 2.46M) additionally reports that Washington State Attorney General Bob Ferguson will file a federal lawsuit against Trump, DHS, and Administration officials over the visa ban, “charging that the executive order is unconstitutional, his office announced Monday. In a separate motion, he will also request to halt the implementation immediately on the basis that it is harming the economy and families in Washington.”

**WHITE HOUSE DEFENDS IMMIGRATION ORDER IN FACE OF VOCAL, WIDESPREAD OPPOSITION.** President Trump’s executive order on immigration receives heavy media coverage including extensive coverage on the network news broadcasts and pervasive print and online reporting. The coverage is very negative toward the Administration – which is, nonetheless, described as standing firm (or “defiant,” as some news outlets put it) in the face of protests and criticism from lawmakers of both parties, the media, businesses, and others.

The lead story for [NBC Nightly News](#) (1/30, lead story, 3:10, Holt, 16.61M) described Trump as “defiant and digging in...amid a mounting firestorm over his travel ban.” Trump is “aiming to put a positive spin on a weekend of chaos and outrage” during which “protests erupted at airports all across the country as more than 100 people were detained.” The [Washington Post](#) (1/30, Berman, Zapotosky, 11.43M), which also describes the White House as “defiant,” similarly reports that “despite mounting criticism, legal challenges and questions that stretched from Capitol Hill to the United Nations,” Trump continued to “adamantly defend” his immigration order. [USA Today](#) (1/30, Bacon, 5.28M) says the “massive protests that swept the nation” have “encouraged advocacy groups to press their case on other issues.”

[ABC World News Tonight](#) (1/30, lead story, 3:50, Muir, 14.63M) also reported in its lead story that Trump’s order sparked “protests coast to coast at airports across the country,” but added (Karl) that the Administration is “pushing back against stories of chaos and confusion. Families detained in airports. Customs and Border Patrol officials unclear on how to enforce the new policy. Terminals turned into makeshift legal aid clinics, with lawyers offering their services to travelers impacted by the ban.”

The [New York Post](#) (1/30, Moore, 3.82M) says Trump “stood firm” in the face of the criticism, and [USA Today](#) (1/30, Bacon, 5.28M) describes Trump as “unyielding...in his position that the ban was for the good of the country.” But the [AP](#) (1/30, Caldwell) says that while Trump “has staunchly defended his order,” in “a statement Sunday and tweets Monday, Trump misstated the facts multiple times.” The AP goes on to compare “what Trump said and how it compares with the facts.”



Under the headline “Sean Spicer Defends Trump’s Immigration Ban,” the [New York Post](#) (1/30, Moore, 3.82M) quotes the White House press secretary as saying, “We’re going to put the safety of Americans first. We’re not going to wait until we get attacked and figure out how it’s going to happen again. ... That’s the key point in this: How do we keep ahead of threats.” Spicer added, “This is why the majority of Americans agree with the president. ... These steps are frankly common-sense steps to make sure we’re never looking at the rear-view mirror asking, ‘We should have done something.’ ... His view is not to wait to get ahead of the curve. We don’t know when that hour comes. We don’t know when the individual comes to do us harm.” At the same time, [Reuters](#) (1/30) cites an internal DHS document which says the US “has granted waivers to let 872 refugees into the country this week,” despite Trump’s order. A DHS official confirmed the waivers, but Reuters says it “was not known if additional waivers would be granted, the official said.”

[Roll Call](#) (1/30, Bennett, 63K) said “chaos ensured” at US airports as Customs and Border Patrol agents “detained 109 individuals between late Friday afternoon and Sunday evening as they tried to enter the country after getting off international flights.” The White House argued that “being detained for a few hours during an intensive security check is outweighed by the possibility of getting to live in the United States for the rest of one’s life.” Meanwhile Trump “tried to deflect blame for weekend ‘problems’ at US airports by pointing the finger at Senate Minority Leader Charles E. Schumer,” who “appeared in New York over the weekend with refugees, at one point getting emotional.” Trump argued in a [two part](#) tweet that the “causes of the ‘big problems’ includes ‘the tears of Senator Schumer.’” In addition, he “seemed to defend the airport chaos by [tweeting](#) there’s ‘nothing nice’ about trying to stop ‘terrorists’ from entering the United States.” In its lead story, [NBC Nightly News](#) (1/30, lead story, 3:10, Holt, 16.61M) showed Trump saying, “Chuck Schumer yesterday with fake tears. I’m going to ask him who was his acting coach.”

Gerald F. Seib writes in the [Wall Street Journal](#) (1/30, Subscription Publication, 6.37M) that Sen. John McCain, who has shown a willingness to defy Trump, has called the order a recruiting boon for ISIS. Nancy Cordes reported on the [CBS Evening News](#) (1/30, story 2, 1:50, Pelley, 11.17M) that while Democrats “may have been the loudest...many Republicans like Pennsylvania’s Charlie Dent were just as critical.” Rep. Charlie Dent: “It was not well thought out. It was not properly considered.” Schumer “tried to capitalize on GOP discontent today by introducing a bill to reverse the travel ban,” but it was “quickly blocked by Republicans who support the executive order.” The [Washington Post](#) (1/30, O’Keefe, 11.43M) says that Senate Democrats on Monday “sought to quickly pass legislation that would rescind Trump’s ban, but there was insufficient GOP support.” [Reuters](#) (1/30, Zengerle) reports that while Sen. Dianne Feinstein “said she had 27 co-sponsors of a bill to rescind the order,” Sen. Tom Cotton “blocked consideration of the measure.” [Politico](#) (1/30, Caygle, Schor, 2.46M) said the failed effort “underscor[ed] the limits of the minority’s power to force substantive changes to the policy that sparked massive protests over the weekend.”

In a separate story, [Politico](#) (1/30, Caygle, 2.46M) said DHS Secretary Kelly will meet with House lawmakers on Tuesday. According to Democratic sources, “more than a dozen chief House lawmakers are invited to the meeting,” including, “House Speaker Paul Ryan (R-Wis.), House Majority Leader Kevin McCarthy (R-Calif.), House Minority Whip Steny Hoyer (D-Md.) and several other lawmakers who lead committees with ties to the refugee ban.”

The [Detroit Free Press](#) (1/30, Snavelly, Bomey, 1.01M) reports that while “other major automakers have largely remained silent so far,” Ford CEO Mark Fields and Ford Chairman Bill Ford “strongly rebuked” Trump’s order, saying in a joint statement Monday, “Respect for all

people is a core value of Ford Motor Company, and we are proud of the rich diversity of our company here at home and around the world. ... That is why we do not support this policy or any other that goes against our values as a company.” The Free Press says that “a number of technology companies – including Apple, Alphabet, Facebook and Lyft – have issued statements or taken other action over the weekend in opposition to the travel ban,” but Ford “is the first major automaker to take a clear position.” [USA Today](#) (1/30, Bomey, 5.28M) says the statement from Ford “further complicates the on-again, off-again relationship between” the company and Trump.

The [CBS Evening News](#) (1/30, story 6, 0:20, Pelley, 11.17M) also said that “some of the largest tech companies have come out against the President’s immigration ban,” and the [New York Times](#) (1/30, Wingfield, Wakabayashi, Subscription Publication, 13.9M) reports that Amazon and Expedia on Monday “stepped up their opposition to the order with filings that were part of a lawsuit in federal court against the Trump administration, arguing that the order will hurt their businesses.” the tech firms’ move represents “an escalation of the technology industry’s efforts to push back on the order.”

[Politico](#) (1/30, White, 2.46M) said that following “a weekend of criticism from Silicon Valley, Wall Street chief executives began to join their tech colleagues in criticizing Trump’s move.” Goldman Sachs CEO Lloyd Blankfein said in a voicemail Monday to bank employees, “This is not a policy we support. ... I recognize that there is potential for disruption to the firm, and especially to some of our people and their families.” In an email to employees on Sunday, JPMorganChase chief executive Jamie Dimon, “reassured workers of the ‘unwavering commitment to the dedicated people working here’ including those on sponsored visas possibly hit by the executive order.” Politico also highlighted criticism of Trump’s order from GE CEO Jeffrey Immelt, Tesla CEO Elon Musk and Starbucks CEO Howard Schultz.

The Washington Post’s opinion page is also highly critical of Trump’s order. A [Washington Post](#) (1/30, 11.43M) editorial warns of the “grave potential consequences of an order that’s wrong ethically and strategically.” Richard Cohen writes in his [Washington Post](#) (1/30, 11.43M) column that the Trump Administration is “inept and indifferent to the suffering it might cause,” adding that “if a new policy is needed, Trump’s people have no idea of how to implement it and the White House seems similarly oblivious to the damage it is doing to the United States’ image.” Eugene Robinson takes a similar line in his [Washington Post](#) (1/30, 11.43M) column, calling the “refugee ban and travel restrictions” a “disgraceful exercise in cruelty” that “do nothing to make us safer — and may, in fact, make us less safe — but they punish Muslims, and that is his whole point.”

The reaction to Trump’s order was not universally negative, however. The [New York Times](#) (1/30, Tavernise, Subscription Publication, 13.9M) says that while the order “may be setting off protests around the country and raising eyebrows and objections among allies abroad,” a “large portion of the electorate is behind the president.” Trump supporters “say that the promise of tougher immigration policies is one of the main reasons they voted for him,” and the order, “along with an earlier one for building a wall, shows that he is serious, they say.”

A separate [New York Times](#) (1/30, Bromwich, Subscription Publication, 13.9M) story says that in “those precincts that Mr. Trump carried in the November election,” the order “was often met with satisfaction and approval,” and the protests “were viewed as misguided and a source of irritation.”

***Qunniapiac, Rasmussen Polls Show Support For Trump’s Policy.*** The [CBS Evening News](#)

(1/30, story 5, 1:45, Pelley, 11.17M) reported that a Quinnipiac University poll taken three weeks ago found that “by margin of 48 percent to 42 percent, American voters support suspending immigration from terror-prone regions, even if it means turning away refugees,” and “53 percent support requiring immigrants from Muslim countries to register with the government.” CBS (Reynolds) added that Trump supporters gathered at Los Angeles International Airport over the weekend to “voic[e] their belief that the President’s immigration order is sensible and overdue.” In addition, the [Washington Times](#) (1/30, Dinan, 272K) reports that a new Rasmussen Reports [poll](#) released Monday found that a “majority of voters back the concept of halting admissions from seven terrorist-connected countries,” and “general broad support for the kind of executive order President Trump signed on Friday.” According to the poll 56 percent said that “a pause in visas for Syria, Sudan, Iraq, Iran, Yemen, Somalia and Libya makes sense.”

In his “Talking Points Memo” segment on [Fox News’ The O’Reilly Factor](#) (1/30, 767K), Bill O’Reilly said that Trump “is being responsible, setting up a new refugee standards” provided that the standards “are fully explained and expedited in a timely manner.” O’Reilly added that the Administration “must be willing to grant exceptions and above all, should help refugees that survived in the terror zones abroad.” While “protecting Americans is obviously priority number one,” the “nobility of our nation demands we help suffering, helpless people if we can.”

The controversy over Trump’s order comes as King Abdullah II of Jordan is visiting Washington this week, a situation the [AP](#) (1/30, Lederman) says is “testing” Trump’s “ability to maintain key Arab alliances while cracking down on immigration from some Muslim countries and possibly moving the American Embassy in Israel to Jerusalem.” Abdullah met Monday with Defense Secretary Mattis and Vice President Pence. He and Trump will “come face-to-face on Thursday at the National Prayer Breakfast.” The AP cites “officials” who said the embassy “was a prime topic of discussion in Abdullah’s meeting with Pence.”

***Border Patrol, ICE Agents Voice Support For Trump’s Order.*** Trump’s order drew praise from “the men and women on the front lines of protecting America’s borders,” [Western Journalism](#) (1/30, Davis, 802K) reports. A joint statement from the Border Patrol and Immigration and Customs Enforcement Councils said, “As representatives of the nation’s Frontline immigration officers and agents responsible for enforcing our laws and protecting our borders, we fully support and appreciate President Trump’s swift and decisive action to keep the American people safe and allow law enforcement to do its job.” The statement added that Trump’s orders “will make America safer and more prosperous” and have “improved morale.”

***Bannon Urged “A Hard Line” On Trump’s Immigration Order.*** [Reuters](#) (1/30, Walcott, Ainsley) reports that as the Trump Administration crafted the immigration order, Trump’s chief strategist Steve Bannon pushed “a hard line.” While senior DHS officials “interpreted the order to mean that lawful permanent residents – green card holders – who hailed from the seven Muslim-majority countries targeted in the immigration order would not face additional screening when they entered the country,” they “were quickly overruled by Bannon” and “White House senior policy adviser Stephen Miller, a close ally of Bannon’s, the officials said.” One official said, “They were in charge of this operation,” adding that “the experts were ‘almost immediately overruled by the White House, which means by Bannon and Miller.’” The [Los Angeles Times](#) (1/30, Bennett, Bierman, 4.52M) says Bannon and Miller “see themselves as launching a radical experiment to fundamentally transform how the US decides who is allowed into the country and to block a generation of people who, in their view, won’t assimilate into American society.” According to the Times, White House aides are weighing “new, onerous security checks that could effectively limit travel into the US by people from majority-Muslim countries to a trickle.”



The [Washington Post](#) (1/30, Parker, 11.43M) says the “fallout” from the order “exposed tender rifts within the Republican Party, alarmed members of his Cabinet, fueled suspicions among his top advisers — and left the defiant commander in chief stewing over who was to blame.” Inside the White House, “tensions flickered as differences in management style emerged between two factions: one led by” Bannon and Miller, “and the other composed of chief of staff Reince Priebus and his deputies, who are accustomed to operating with a more traditional chain of command.” Trump aides were “divided over who was at fault” for the “clumsy and dysfunctional” rollout of the order, “with some blaming Miller” and others saying Priebus “should have taken charge of better coordinating with the departments and communicating with lawmakers and the public.”

***House Aides Helped Draft Trump’s Immigration Order.*** [Politico](#) (1/30, Bade, Sherman, Dawsey, 2.46M) reported that senior aides to the House Judiciary Committee helped Trump’s aides draft the order, “but the Republican committee chairman and party leadership were not informed, according to multiple sources involved in the process.” Word of the House aides involvement “helps unlock the mystery of whether the White House consulted Capitol Hill about the executive order,” and “confirms that the small group of staffers were among the only people on Capitol Hill who knew of the looming controversial policy.”

While the [Wall Street Journal](#) (1/30, Paletta, Hong, Subscription Publication, 6.37M) casts the White House as being on the defensive, correspondent Major Garrett said in the lead story for the [CBS Evening News](#) (1/30, lead story, 3:30, Pelley, 11.17M) that the order was “rushed through the usual protocol.” Similarly, Jonathan Karl reported in the lead story for [ABC World News Tonight](#) (1/30, lead story, 3:50, Muir, 14.63M) the order “was rushed through so quickly on Friday, top officials on the President’s national security team were left in the dark.” Defense Secretary Mattis “was there when the President signed it, and even applauded, but he had no input whatsoever, and was surprised by its contents.” Likewise, DHS Secretary Kelly “was getting his first full briefing on the executive order right as the President was signing it.” In addition “top Republicans in Congress [were caught] by surprise.” Sens. Marco Rubio and Tim Scott “said the rush to implement the policy created confusion, anxiety and uncertainty.” Sens. John McCain and Lindsey Graham “went further, saying, ‘We fear this executive order will become a self-inflicted wound in the fight against terrorism.’”

***California Lawmaker Calls On White House To Release Melania Trump’s Immigration Records.*** [Politico](#) (1/30, Marinucci, 2.46M) reported that California state Sen. Nancy Skinner has called on the White House to release First Lady Melania Trump’s immigration. Skinner’s demand comes after an AP investigation “last November found Melania Trump lacked proper work visas when she was employed as a model after arriving in the US from her native Slovenia more than two decades ago.” Skinner told Politico, “No one in the Trump operation has released any of the documentation to indicate what was the circumstance, or whether she had full legal status. ... We only know they had a lawyer look at whatever papers she chose to give.”

**MEDIA ANALYSES: “DISSENT MEMO” SHOWS DIVIDE BETWEEN CAREER DIPLOMATS, TRUMP.** More than 100 career diplomats at the State Department reportedly have signed a “dissent memo” opposing President Trump’s executive order that suspends refugee access to the US and blocks visas from specific countries. Media coverage characterizes the letter as revealing a sharp divide between State Department employees and Trump, with much reporting casting press secretary Sean Spicer’s comments as critical of government workers who do not support the President’s position.

[ABC World News Tonight](#) (1/30, story 5, 1:20, Muir, 14.63M) reported there is “word of growing dissent inside the State Department.” ABC’s Martha Raddatz said, “Dozens of career diplomats worldwide have drafted a rare formal letter of dissent” that [NBC Nightly News](#) (1/30, lead story, 3:10, Holt, 16.61M) and the [CBS Evening News](#) (1/30, lead story, 3:30, Pelley, 11.17M) reported was circulated throughout the Foreign Service. Even if the memo is “never formally submitted,” [Politico](#) (1/30, Toosi, 2.46M) says, it “represents a revolt from within the US bureaucracy.” The [Washington Times](#) (1/30, Taylor, 272K) explains the memo was submitted through the State Department’s “dissent channel,” which is “an established, albeit secretive, medium for Foreign Service officers to question US policy that dates back to the Vietnam War era.” The Times adds that the names of dissent cable authors and co-signers are “rarely revealed in public.”

The [Washington Post](#) (1/30, Morello, 11.43M) reports there are “several versions of the draft” being circulated throughout the State Department “as diplomats weigh in and ask for revisions.” More than 100 diplomats, according to diplomats “familiar with the matter,” have signed the letter. The Post says one draft, first reported by ABC News, contends the ban will not prevent attacks on the US and will lead to ill will toward Americans. The [AP](#) (1/30, Lee) says the memo argues, “A policy which closes our doors to over 200 million legitimate travelers in the hopes of preventing a small number of travelers who intend to harm Americans from using the visa system to enter the United States will not achieve its aim of making our country safer.” The memo adds, “This ban stands in opposition to the core American and constitutional values that we, as federal employees, took an oath to uphold.” Elise Labott reported on [CNN’s Situation Room](#) (1/30, 554K) that the diplomats compare the order “to the internment of Japanese-Americans during World War II.”

The [New York Times](#) (1/31, Landler, Subscription Publication, 13.9M) reports on its front page that the White House “warned State Department officials that they should leave their jobs if they did not agree” with the President’s policy, as part of what the Times says is “an extraordinary effort to stamp out a wave of internal dissent against” the visa ban. [Bloomberg Politics](#) (1/30, Wadhams, 201K) says Spicer – speaking after the dissent memo was circulated – “rebuked State Department officials who objected to” the executive order. Bloomberg quotes Spicer as saying government employees should “either get with the program or they can go.” Spicer said that Trump is “going to put the safety of this country first,” adding, “If somebody has a problem with that agenda, then that does call into question whether they should continue in that post or not.” Spicer said, according to the [Washington Post](#) (1/30, Phillip, 11.43M), that Trump “appreciates the people who serve this nation and the public servants.” Spicer added, “That’s up to them to question whether or not they want to stay.”

The [New York Times](#) (1/30, Subscription Publication, 13.9M) editorializes that the Administration “would be reckless to dismiss this warning from public servants who have spent their careers safeguarding American interests abroad.” The Times adds that the concerns of the diplomats “are shared by lawmakers from both parties, several European leaders and top United Nations officials.”

### **Editorial Wrap-Up:**

**NEW YORK TIMES.** “*President Bannon?*” In an editorial, the [New York Times](#) (1/30, Subscription Publication, 13.9M) says it has never “witnessed a political aide move as brazenly to consolidate power as Stephen Bannon — nor have we seen one do quite so much damage so quickly to his putative boss’s popular standing or pretenses of competence.” The Times adds that Trump’s executive order “politicizing the process for national security decisions, suggests Mr.

Bannon is positioning himself not merely as a Svengali but as the de facto president.” Trump, The Times adds, “has not simply broken with tradition but has embraced the risk of politicizing national security, or giving the impression of doing so.”

**“Diplomats Decry Muslim Ban.”** A [New York Times](#) (1/30, Subscription Publication, 13.9M) editorial cites a memorandum from more than 100 State Department employees voicing opposition to President Trump’s travel ban and says the Administration “would be reckless to dismiss this warning from public servants who have spent their careers safeguarding American interests abroad.” The Times adds that the concerns of the diplomats “are shared by lawmakers from both parties, several European leaders and top United Nations officials.”

**“Protecting Birth Control Access In Oregon.”** In an editorial, the [New York Times](#) (1/31, Subscription Publication, 13.9M) welcomes an Oregon bill to protect access to birth control and other reproductive healthcare services, including abortion, even if the Affordable Care Act is repealed. The Times adds that the bill’s sponsors recognize “that people need access to the full range of reproductive health care in order to participate fully in society and the economy,” and welcomes this “powerful defense...of necessary reproductive health care.”

**WASHINGTON POST. “The White House’s Soft-Core Holocaust Denialism.”** A [Washington Post](#) (1/30, 11.43M) editorial argues that while the “charitable explanations” for the White House’s decision to omit any mention of Jews from President Trump’s statement on the Holocaust would be “ignorance and incompetence,” another reading of the statement “is more sinister” – that by “stripping any reference to Jews from its brief statement, the Trump administration engaged in what Deborah Lipstadt, an Emory University historian, calls ‘soft-core Holocaust denial.’”

**“Trump’s Executive Order On Immigration Is A Self-Inflicted Wound.”** A [Washington Post](#) (1/30, 11.43M) editorial on President Trump’s immigration order warns of the “grave potential consequences of an order that’s wrong ethically and strategically.”

**“Democrats Shouldn’t Go Scorched-Earth On Trump’s Supreme Court Nominee.”** The [Washington Post](#) (1/30, 11.43M) argues in an editorial that while Sen. Jeff Merkley’s promise that he would call for a filibuster of anyone President Trump nominates to the Supreme Court might be “emotionally satisfying,” that approach “would be mistaken” because “provoking Republicans to resort to the filibuster-abolishing ‘nuclear option’ would leave Democrats disarmed of that weapon against a second Trump pick should another vacancy arise during his presidency.” Moreover, “the Supreme Court confirmation process needs to be protected from partisan politics to the greatest extent possible and that a scorched-earth Democratic response to any nominee, regardless of the individual merits, would simply deepen that harmful politicization.”

**WALL STREET JOURNAL. “Trump Dams The Regulatory Flood.”** A [Wall Street Journal](#) (1/30, Subscription Publication, 6.37M) editorial praises President Trump’s executive order that for every new Federal regulation, two must be eliminated. arguing that it will it could lead to job creation and new investment, a number of reports highlights the difficulty Trump may face in putting it into action.

**“Obama’s Refugee Legacy.”** In an editorial, the [Wall Street Journal](#) (1/30, Subscription Publication, 6.37M) cites President Obama’s comment on President Trump’s immigration orders and criticizes the former President for speaking out against Trump so quickly,

“*The GOP’s DeVos Doubters.*” The [Wall Street Journal](#) (1/30, Subscription Publication, 6.37M) editorializes that Republicans would provide teachers unions a significant victory by voting against Education Secretary-designate Betsy DeVos. The Journal says the unions are putting pressure on Republicans because DeVos would be the first Education Secretary that did not share their views since the Reagan Administration.

## **Big Picture:**

### **HEADLINES FROM TODAY’S FRONT PAGES.**

#### ***Wall Street Journal:***

[White House Fires Acting Attorney General Sally Yates](#)  
[Trump To Add CIA Director To National Security Council](#)  
[Facebook Is Trying Everything To Re-Enter China—And It’s Not Working](#)  
[Investors Press For CEO’s Ouster At Arconic, The Alcoa Spinoff](#)

#### ***New York Times:***

[Trump Fires Acting Attorney General](#)  
[State Dept. Officials Should Quit If They Disagree With Trump, White House Warns](#)  
[In Ban On Migrants, Trump Supporters See A Promise Kept](#)  
[For Leaders Of US Allies, Getting Close To Trump Can Sting](#)  
[Questions Raised About Brain Centers Backed By Betsy DeVos](#)  
[Republicans’ Paths To Unraveling The Dodd-Frank Act](#)  
[Boy Scouts, Reversing Century-Old Stance, Will Allow Transgender Boys](#)

#### ***Washington Post:***

[University Student Charged In Quebec Mosque Rampage](#)  
[Acting Attorney General Fired Over Ban](#)  
[In A Long-sought Home, A Case Of Lead Poisoning](#)  
[Sessions Helping Power Trump’s Frenetic Start](#)  
[Furor Over Ban Reveals White House, GOP Rifts](#)

#### ***Financial Times:***

[Myanmar Killing Stokes Political Violence Fears](#)  
[Backlash From Big Business Grows Over Trump Upheaval](#)

#### ***Washington Times:***

[Trump Fires Acting Attorney General Sally Yates](#)  
[Obama, Bush Didn’t Feel The Same Pushback As Trump, White House Says](#)  
[Supreme Court Nominee Has Both Sides Preparing For Battle](#)  
[North Dakota Wants Hired Pipeline Protesters To Pay State Income Taxes](#)  
[Canadian Man Charged In Deadly Shooting Spree At Quebec City Mosque](#)  
[Extremist Links Undercut Chile’s Image Of Stability](#)

#### ***Story Lineup From Last Night’s Network News:***

**ABC:** Travel Ban Reactions; Terrorist Origins; Travel Ban-Obama, May Responses; Quebec City Mosque Attack; Travel Ban-State Dept, Vet Responses; Trump-NSC Appointment; Travel Ban-Legal Challenge; Delta IT Errors; 40-Year-Old Murder Case; Severe Weather; Health-Lung Cancer Screening; GHW Bush Health; Disabled Swimmer.

**CBS:** Travel Ban Reactions; Travel Ban-Congress Responses; Travel Ban-Expert Comment; Travel Ban-Iraqi General Responses; Travel Ban-Trump Supporters; Travel Ban-IT Companies Responses; Quebec City Mosque Attack; US SEAL Casualty-Yemen; Trump-Media Criticism,

NSC; Trump-Supreme Court Nominee; GHW Bush Health; Travel Ban-Legal Challenge, Detainees.

**NBC:** Trump-Travel Ban; Trump-NSC Appointment; Travel Ban-Legal Challenge; Travel Ban-Family Responses; Travel Ban-Iraqi Responses; Quebec City Mosque Attack; GHW Bush Health; Phone Scam; Traffic Pileups; Health-Hesitant Doctor Visits; Annual Dog Show; Former Homeless College Wrestler; Travel Ban-Holt Comment.

***Network TV At A Glance:***

Travel Ban Reactions – 10 minutes, 30 seconds

Travel Ban-Impacted Individual Responses – 8 minutes, 50 seconds

Quebec City Mosque Attack – 5 minutes, 45 seconds

Trump-NSC Appointment – 3 minutes, 45 seconds

Travel Ban-Legal Challenge – 3 minutes, 35 seconds

GHW Bush Health – 45 seconds

***Story Lineup From This Morning's Radio News Broadcasts:***

**ABC:** Acting Attorney General Sally Yates Fired; Quebec City Mosque Attack; Boy Scouts-Transgender; Wall Street News.

**CBS:** Acting Attorney General Sally Yates Fired; Confirmation Hearing; Quebec City Mosque Attack; Boy Scouts-Transgender; Wall Street News.

**FOX:** Acting Attorney General Sally Yates Fired; Confirmation Hearing; Travel Ban Reactions; Travel Ban-IT Companies Responses.

**NPR:** Acting Attorney General Sally Yates Fired; Confirmation Hearing; Trump DHS Appointment; Travel Ban-Legal Challenge; Health-Lung Cancer Screening; Wall Street News; Boy Scouts-Transgender; Sony Cutting Movie Business; Walgreen-Rite Aid Merger.

**Washington Schedule:**

**TODAY'S EVENTS IN WASHINGTON.**

**White House:**

**PRESIDENT TRUMP** — Meets with Pharma; meets with Chief of Staff, Reince Priebus; has lunch with Mayor Rudy Giuliani; holds a listening session with cyber security experts; signs Executive Order; announces his pick for SCOTUS justice.

**VICE PRESIDENT PENCE** — Joins THE PRESIDENT to meet with Pharma; participates in the Senate Republican Policy Lunch, followed by private meetings with individual lawmakers; joins THE PRESIDENT as he announces Supreme Court of the United States nominee.

**US Senate:** 9:30 AM Senate Energy and Natural Resources Committee votes on energy and interior secretary nominees – Business Meeting, with agenda including nominations of Rick Perry to be Secretary of Energy and Ryan Zinke to be Secretary of the Interior, ‘An original resolution authorizing expenditures by the committee for the 115th Congress’, and ‘Ratification of subcommittee assignments for the 115th Congress’ \* Then-President-elect Donald Trump announced the nominations of former Texas Governor Perry and Republican Rep. Zinke last month \* During a Republican presidential candidate debate in November 2011, Perry forgot that the Department of Energy was one of the three federal govt agencies he would eliminate if elected, eventually saying ‘oops’ after naming the departments of commerce and education as the other two. He has since said he has changed his mind over wanting to eliminate the department  
Location: Rm 366, Dirksen Senate Office Bldg, Washington, DC <http://energy.senate.gov/public/>

9:30 AM Senate Judiciary Committee votes on GOP Sen. Jeff Sessions to be AG – Executive Business Meeting, with agenda including nomination of Jeff Sessions to be Attorney General, committee rules, and ‘S. 178, Elder Abuse Prevention and Prosecution Act’ \* President Donald



Trump announced the nomination of Republican Sen. Sessions in November Location: Rm 226, Dirksen Senate Office Bldg, Washington, DC <http://judiciary.senate.gov/>

10:00 AM Senate Foreign Relations Committee hearing on North Korea – Hearing on ‘Confronting the North Korea Threat: Reassessing Policy Options’, with testimony from American Enterprise Institute Chair in Political Economy Dr Nicholas Eberstadt; and Council on Foreign Relations Senior Fellow for Korea Studies and Program on U.S.-Korea Policy Director Scott Snyder Location: Rm 419, Dirksen Senate Office Bldg, Washington, DC <http://foreign.senate.gov/>

10:00 AM Senate HELP Committee votes on nomination of Betsy DeVos to be education secretary – Executive Session, with agenda including nomination of Betsy DeVos to be Secretary of Education, ‘Adoption of Committee Rules for the 115th Congress’, and ‘Subcommittee Assignments for the 115th Congress’ \* Then-President-elect Donald Trump announced the nomination of businesswoman DeVos in November Location: Rm 430, Dirksen Senate Office Bldg, Washington, DC <http://help.senate.gov/>

10:00 AM Senate Finance Committee votes on GOP Rep. Tom Price to be HHS secretary – Executive Session, to consider the nomination of Tom Price to be Secretary of Health and Human Services \* Then-President-elect Donald Trump announced the nomination of the Republican congressman in November \* Rep. Price has said that he will divest himself of stock in over 40 companies and resign a position with the American Medical Association if confirmed by the Senate, to avoid potential conflicts of interest Location: Rm 215, Dirksen Senate Office Bldg, Washington, DC <http://finance.senate.gov>

11:00 AM Senate Indian Affairs Committee organizational meeting – Business Meeting, with agenda including ‘Selection of the Chairman and Vice Chairman of the Committee’, ‘Adoption of the rules of the Committee for the 115th Congress’, and ‘Adoption of the funding resolution for the Committee for the 115th Congress’ Location: Rm 628, Dirksen Senate Office Bldg, Washington, DC <http://indian.senate.gov> <https://twitter.com/IndianCommittee>

**US House:** 10:00 AM HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM Business meeting – Full Committee, business meeting on the committee’s oversight and authorization plan; and markup on H.R. 396, the “Tax Accountability Act of 2017”; H.R. 194, the “Federal Agency Mail Management Act of 2017”; the “Federal Employee Antidiscrimination Act of 2017”; H.R. 679, the “Construction Consensus Procurement Improvement Act of 2017”; H.R. 653, the “Federal Intern Protection Act of 2017”; and H.R. 657, the “Follow the Rules Act.” Location: 2154 Rayburn. <http://oversight.house.gov/> <https://twitter.com/GOPoversight>

10:00 AM House Commerce subcommittee hearing on Medicaid – Oversight and Investigations Subcommittee hearing on ‘Medicaid Oversight: Existing Problems and Ways to Strengthen the Program’, with testimony from Foundation for Government Accountability Senior Fellow Josh Archambault; Manhattan Institute Director of Health Policy Paul Howard; Department of Health and Human Services Assistant Inspector General for Evaluation and Inspections Ann Maxwell; Georgetown University Law Center Senior Scholar in Health Law Timothy Westmoreland; and Government Accountability Office Director of Health Care Carolyn Yocom Location: Rm 2123, Rayburn House Office Bldg, Washington, DC <http://energycommerce.house.gov/> <https://twitter.com/HouseCommerce>

10:00 AM House Transportation and Infrastructure Committee Organizational Meeting Location: Rm 2167, Rayburn House Office Bldg, Washington, DC

<http://transportation.house.gov/> <https://twitter.com/Transport>

10:00 AM House Oversight and Government Reform Committee Business Meeting – Business Meeting, with agenda including ‘The Committee’s Authorization and Oversight Plan for the 115th Congress’, ‘H.R. 657, Follow the Rules Act’, ‘H.R. 653, Federal Intern Protection Act of 2017’, ‘H.R. 679, Construction Consensus Procurement Improvement Act of 2017’, ‘H.R. XXX, Federal Employee Antidiscrimination Act of 2017’, ‘H.R. 194, Federal Agency Mail Management Act of 2017’, and ‘H.R. 396, Tax Accountability Act of 2017’ Location: U.S. Capitol, Washington, DC <http://oversight.house.gov/> <https://twitter.com/GOPoversight>

10:30 AM Bipartisan Reps. Tom Reed and Tim Ryan keynote ITIF event – ‘What Should the Trump Administration’s Manufacturing Strategy Look Like?’ Information Technology and Innovation Foundation event. House Manufacturing Caucus co-chairs Tom Reed and Tim Ryan keynote, with panel including Deloitte Consulting Supply Chain Strategy Leader Principal Kelly Marchese, McKinsey Global Institute Partner Sree Ramaswamy, and Manufacturers Alliance for Productivity and Innovation Foundation Chief Economist Cliff Waldman Location: CVC-268, U.S. Capitol, Washington, DC [www.itif.org](http://www.itif.org) <https://twitter.com/ITIFdc>

11:00 AM House Minority Whip Steny Hoyer regular pen-and-pad briefing Location: H-144, U.S. Capitol, Washington, DC [www.democraticwhip.gov/](http://www.democraticwhip.gov/) <https://twitter.com/WhipHoyer>

2:00 PM House Government Reform subcommittee hearing on ‘fraud, waste, and abuse under ‘Obamacare’ – Health Care, Benefits, and Administrative Rules Subcommittee hearing on ‘Fraud, Waste and Abuse under the Affordable Care Act’ \* Earlier this month, President Donald Trump signed an executive order to ‘minimize the economic burden of the Patient Protection and Affordable Care Act pending repeal’, with Congress having passed a resolution to ease passage of further legislation to repeal the ACA. UPDATED to room 2247 Rayburn from 2154 Rayburn. Location: Rm 2247, Rayburn House Office Bldg, Washington, DC <http://oversight.house.gov/> <https://twitter.com/GOPoversight>

2:00 PM House meets for legislative business – House of Representatives meets for legislative business, with agenda including consideration of legislation including ‘H.R. 58 – FRIENDS Act’, as amended, ‘H.R. 666 – Department of Homeland Security Insider Threat and Mitigation Act of 2017’, ‘H.R. 642 – Fusion Center Enhancement Act of 2017’, ‘H.R. 526 – Counterterrorism Advisory Board Act of 2017’, as amended, ‘H.R. 665 – Airport Perimeter and Access Control Security Act of 2017’, ‘H.R. 366 – DHS SAVE Act’, ‘H.R. 549 – Transit Security Grant Program Flexibility Act’, ‘H.R. 687 – First Responder Access to Innovative Technologies Act’, ‘H.R. 584 – Cyber Preparedness Act of 2017’, ‘H.R. 655 – Securing the Cities Act of 2017’, ‘H.R. 437 – Medical Preparedness Allowable Use Act’, ‘H.R. 612 – United States-Israel Cybersecurity Cooperation Enhancement Act of 2017’, ‘H.R. 505 – Border Security Technology Accountability Act of 2017’, as amended, and ‘H.R. 677 – CBRN Intelligence and Information Sharing Act of 2017’ under suspension of the rules Location: Washington, DC <http://www.house.gov/>

3:00 PM House Rules Committee hearing – Hearing on ‘H.J. Res. XXX – Disapproving the final rule submitted by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration relating to the Federal Acquisition Regulation’ and ‘H.J. Res. XXX – Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Bureau of Land Management relating to ‘Waste Prevention, Production Subject to Royalties, and Resource Conservation’ Location: H-313, U.S. Capitol, Washington, DC <http://www.rules.house.gov/> <https://twitter.com/RulesReps>

**Other:** 7:30 AM Council for Higher Education Accreditation Annual Conference continues – Council for Higher Education Accreditation Annual Conference and CHEA International Quality Group (CIQG) Annual Meeting continues, with day two speakers including Republican Rep. Virginia Foxx and University of Virginia Center for Politics Director Larry Sabato Location: Capital Hilton, 1001 16th St NW, Washington, DC [www.chea.org](http://www.chea.org)  
<https://twitter.com/CHEAnews> #CHEA2017AC

8:00 AM Women in Government Relations task force hosts event with Dem Rep. Cheri Bustos – Women in Government Relations Transportation & Infrastructure Task Force hosts ‘20-to-1 Congressional Coffee’ with Democratic Rep. Cheri Bustos Location: Allstate Insurance Company, 444 N Capitol St NW, Washington, DC <http://www.wgr.org>  
<https://twitter.com/WGRDC>

12:00 PM GOP Rep. Sean Duffy keynotes U.S. Chamber of Commerce event on corporate disclosures – U.S. Chamber of Commerce Center for Capital Markets Competitiveness (CCMC) hosts lunch discussion on ‘what can be done to modernize corporate disclosures and make them useful for today’s investors’. Republican Rep. Sean Duffy keynotes and CCMC President and CEO David Hirschmann delivers remarks, both on ‘the importance of modernizing the corporate disclosure systems’; CCMC Executive Vice President Tom Quaadman provides overview of a new white paper looking at ‘why materiality matters and should remain the guiding principle for public company disclosure’; and Vanguard Principal and Fund Treasurer Glenn Booream, University of Delaware Corporate Governance Professor Charles Elson, Hunton & Williams partner Scott Kimpel, and Sustainability Accounting Standards Board founder and CEO Jean Rogerson participate in panel presentation on the future of corporate disclosures Location: USCC, 1615 H St NW, Washington, DC [www.uschamber.com](http://www.uschamber.com) <https://twitter.com/USChamber>

8:00 PM DNC chair candidate Rep. Keith Ellison speaks on Democracy for America call – Democracy for America live call with Democratic Rep. Keith Ellison, who has been endorsed by DFA in his campaign to become chair of the Democratic National Committee Location: TBD  
[www.democracyforamerica.com](http://www.democracyforamerica.com) <https://twitter.com/dfaaction>

### **Last Laughs:**

#### **LATE NIGHT POLITICAL HUMOR.**

**Jimmy Kimmel:** “There’s a lot of passion because after like 60 years, we finally have a President who keeps his campaign promises, and it’s Donald Trump.”

**Jimmy Kimmel:** “You know how over the course of his time in office, over four years or eight years, the President gets old and his hair turns gray? During this administration, instead of him, that’s going to happen to all of us.”

**Jimmy Kimmel:** “There were demonstrations in just about every major city yesterday. People went to the airport to protest. That’s when you know people are mad. It’s Sunday, they have no travel plans, and they go to the airport.”

**Jimmy Kimmel:** “I don’t understand any of this. I mean, if Donald Trump, if he stops all the immigrants from coming into the country, where’s he going to find his next wife?”

**Jimmy Kimmel:** “[Trump] also spoke with Vladimir Putin for about an hour. Putin wanted to know if Trump liked the gift he got him. Donald told him, yes, he was enjoying the presidency



very much.”

**Stephen Colbert:** “At Dulles Airport, a five-year-old Iranian boy was detained for hours and kept from his mother. Or as Kellyanne Conway calls it, ‘alternative daycare.’”

**Stephen Colbert:** “Do you have any idea how angry people have to be to voluntarily go to JFK?”

**Stephen Colbert:** “And there was outrage all over the world. A member of Iraq’s parliament said that following the ban, ‘it is very likely that Iraq will stop granting US citizens entry visas.’ Sorry kids, there goes spring break in Fallujah. Though, honestly, when did the US ever ask permission to enter Iraq?”

**Trevor Noah:** “Think about it, even the border officials didn’t understand the ban. They had to enforce it and didn’t understand it. They were probably asking the refugees to help them.”

**Jimmy Fallon:** “Here in New York, thousands of people showed up at JFK airport over the weekend to protest Trump’s immigration ban. People who were actually at the protest said, ‘This is awful,’ while the people out in LaGuardia were like, ‘You think you got it bad? We’re at LaGuardia.’”

**Jimmy Fallon:** “It’s reported President Obama could receive up to \$20 million for his upcoming memoir, which is more than any other President. I guess he’s already come up with a few options for the title. First there’s ‘Fifty Shades of Graying.’”

**Jimmy Fallon:** “Last night Miss Kenya said that she thinks President Trump has actually done a lot to unify the US. Trump was so happy with Miss Kenya, he started a rumor that she was born in America.”

**Seth Meyers:** “Former President Obama released his first public statement today since leaving the White House, and I have it here. Just let me read it to you in full. ‘Oh, hell no!’”

**Seth Meyers:** “President Trump said today that if he had announced his travel ban earlier, the ‘bad people would rush into our country.’ I don’t know how to tell you this, but dude, turn around.”

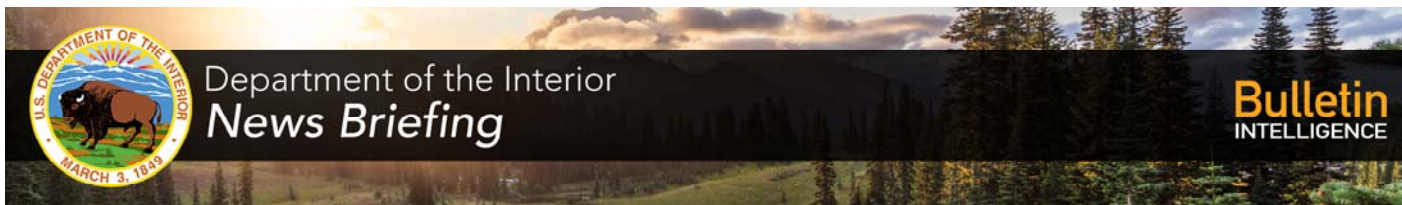
**Seth Meyers:** “Trump did accomplish something truly remarkable. He managed to spark yet another round of massive, nationwide protests for the second time in just the first week of his presidency. And people are willing to go to places to protest. Last week it was parks. This week it was airports. Next week people are going to march for gay rights at the DMV.”

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**From:** Heather Swift <heather\_swift@ios.doi.gov>  
**Sent:** Friday, March 17, 2017 7:15 AM  
**To:** (b) (6)  
**Subject:** Fwd: U.S. Department of the Interior News Briefing for Friday, March 17, 2017

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DATE: FRIDAY, MARCH 17, 2017 7:00 AM EDT

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## **DOI in the News**

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### **Secretary Zinke Confident Interior Can Maintain Mission In Face Of Budget Cuts.**

The [Huffington Post](#) (3/16, D'angelo) reports that on March 3, Interior Secretary Ryan Zinke "addressed his staff at the agency's Washington headquarters" and "vowed to 'fight' his boss, President Donald Trump, on the looming Interior Department budget cuts." At that time, the Trump Administration was "looking to slash 10 percent of the agency's budget," according to E&E News. But after "the White House unveiled its 'America First' budget proposal, which calls for cutting the Interior Department's budget from \$13.2 billion to \$11.6 billion — a 12 percent decrease," Zinke's tone has "suddenly improved." He said in a statement, "America's public lands are our national treasures and the President's budget sends a strong signal that we will protect and responsibly manage these vast areas of our country 'for the benefit and enjoyment of the people." Zinke added, "I can say for certain that this budget allows the Interior Department to meet our core mission and also prioritizes the safety and security of the American people. From supporting tribal sovereignty and self-determination across Indian country to investing more than \$1 billion in safe and reliable water management in the western U.S., to budgeting for wildland fire preparedness and suppression, and streamlining access to the energy resources America needs, this budget enables the Department to meet its core mission and prioritizes programs that will put Americans' security first."

The [Helena \(MT\) Independent Record](#) (3/16, Chaney) reports that Zinke's office said "that the budget eliminates duplicate programs for Abandoned Mine Land grants, National Heritage Areas and National Wildlife Refuge payments that overlap with other programs or should be funded at the local level." Also, "new money would support Interior's energy development programs on public lands and waters, including streamlining permitting processes and providing more industry access to public resources." Meanwhile, "Interior's budget would also get \$1 billion more to invest in Western-state water resources, although that was not further defined."

Additional coverage was provided by the [Ravalli \(MT\) Republic](#) (3/16, Chaney) and the [Missoulian \(MT\)](#) (3/16, Chaney).

Also providing coverage are the [Washington \(DC\) Examiner](#) (3/16, Lawler), the [Arizona Republic](#) (3/16, Korte), the [Colorado Statesman](#) (3/16, Tomasic), the [Boulder \(CO\) Daily Camera](#) (3/16, Brennan), the [Delmarva \(MD\) Daily Times](#) (3/16, Chesson), the [Detroit \(MI\) Free Press](#) (3/16, Spangler), the [Newport News \(VA\) Daily Press](#) (3/16, Ress), the [Memphis \(TN\) Commercial Appeal](#) (3/16, Collins), the [Tri-State Livestock News \(SD\)](#) (3/16), the [San Francisco \(CA\) Chronicle](#) (3/16, Taylor), the [San Francisco \(CA\) Chronicle](#) (3/16, Lochhead), [The Guardian \(UK\)](#) (3/16, Milman), [Montana Public Radio](#) (3/16, O'Brien), [Natural Gas Intelligence](#) (3/16, Passut), the [Nation Sun News](#) (3/16), [Wired](#) (3/16, Stockton), [WUSA-TV Washington \(DC\)](#) Washington (3/16, Korte), [WJBK-TV Detroit \(MI\)](#) Detroit (3/16, Rowe), and [KRWG-FM Las Cruces \(NM\)](#) Las Cruces, NM (3/16).

**White House Budget Cuts Target Climate Science And Research.** The [New York Times](#) (3/16, Fountain, Schwartz) reports that President Trump unveiled his proposed budget on Thursday to the shock of "scientists, researchers and program administrators." Climate science programs throughout the federal government were targeted for elimination. During a White House briefing, Mick Mulvaney, the director of the Office of Management and Budget, further clarified, "As to climate change, I think the president was fairly straightforward: We're not spending money on that anymore." The [Washington Times](#) (3/16, Boyer) reports that the budget proposal offers \$100 million in savings in fiscal 2018 "by discontinuing funding for climate-change research, international climate-change programs and the Obama administration's Clean Power Plan." The [Washington Post](#) (3/16, Paletta) reports that if implemented, the budget cuts would "represent the widest swath of reductions in federal programs since the drawdown after World War II," a state goal of the new administration. Meanwhile, the [AP](#) (3/16, Daly) says the budget cuts to science and environmental programs "reflect the Republican's rejection of mainstream science."

The [Washington Post](#) (3/16, Mooney) says the budget proposal “presents a wholesale repudiation of two main Obama administration objectives: fighting climate change and stoking a revolution in renewable energy.” The [Washington Times](#) (3/16, Boyer) reports that it shows Trump’s “intention to end President Obama’s climate-change policies, including eliminating funding for the so-called Clean Power Plan.” David Goldston of the Natural Resources Defense Council told [USA Today](#) (3/16, Sullivan), “Calling this a budget is kind of the equivalent of calling a nuclear attack a disagreement.” Goldston “said the danger was not that Congress would approve the proposal but that it ‘might take this seriously as a point for negotiation.’”

Additional coverage was provided by [CNN](#) (3/16, Christensen), the [Christian Science Monitor](#) (3/16), [Vox](#) (3/16, Resnick), [The Verge](#) (3/16, Becker), [The Verge](#), and [Ars Technica](#) (3/16, TIMMER, GITLIN, JOHNSON).

**Lawmakers, Scientific Community Respond To Proposed Budget Cuts.** The [Denver Post](#) (3/16, Paul) reports that Sen. Michael Bennet (D-Colo.) vowed to “fight Donald Trump’s proposals to slash funding for science and climate research,” while also saying the budget was unlikely to pass the Senate.

The [Washington Post](#) (3/16, Achenbach) reports many “leaders of the scientific and medical establishment” have “fired off statements of protest and alarm,” in response to President Trump’s budget proposal, which “calls for massive cuts to federally funded research.” The article quotes the leaders of many research organizations arguing that cutting funding for research would be a mistake.

[USA Today](#), (3/16) the [Los Angeles Times](#), (3/16, Khan) and [CNN](#) (3/16, Kopan) provide additional coverage.

**Trump Proposes \$120M Cut To LWCF.** The [McClatchy](#) (3/16, Leavenworth) reports that on Thursday, President Trump proposed a \$120 million cut to the Land and Water Conservation Fund and “other federal land acquisition programs, calling them ‘lower priority activities.’” According to Matt Lee-Ashley, “a former Interior Department official, the \$120 million figure represents at least a 70 percent cut in the Land and Water Conservation Fund over current spending levels, already reduced by congressional sequestration.” Whit Fosburgh, president and CEO of the Theodore Roosevelt Conservation Partnership, said that “Trump’s cuts could also make it harder for hunters and anglers to access public lands.” He said that the proposed cuts are “no way to support the rural and local economies that need outdoor recreation dollars most.”

**Public Land Advocates Decry Proposed Cuts.** In a piece for the [Huffington Post](#) (3/16, Rogers, Contributor), Will Rogers, President of The Trust for Public Land, writes that “President Trump’s first budget completely disregards our environment and the public lands which millions of American families use for recreation.” Rogers warns that “if enacted by Congress, these cuts and program eliminations would wreak havoc on our outdoor economy and the millions of jobs it supports in local communities, and will undermine towns and cities working now to create a clean and healthy future.”

In a piece for [Forbes](#) (3/16, Burke), Monte Burke writes that among the “biggest losers” will be hunters and anglers. Burke acknowledges that “some of these agencies are bloated, and perhaps there’s an argument for streamlining them a bit (my preference would be for more--but smarter--dollars going towards protecting the environment, habitat and fish and game populations).” However, he concludes that “this budget, in total, would be a disaster for anglers and hunters.”

Additional coverage was provided by [AmmoLand](#) (3/16, Evans) and [National Parks Traveler](#) (3/16, Repanshek).

## **BOEM Takes Bids On Development Rights Off North Carolina.**



The [Raleigh \(NC\) News & Observer](#) (3/16, Murawski) reports the Bureau of Ocean Energy Management received offers Thursday from four bidders who want to build an offshore wind farm on the 191-square-mile Kitty Hawk area off North Carolina. Bidding rose to \$6 million by mid-afternoon and will continue until one bidder emerges with the highest offer. The auction is not expected to draw a high price amid low renewable energy mandates in the region. Katharine Kollins, president of the Southeastern Wind Coalition, said, "Right now the cost of offshore wind is not in line with Southeast electricity prices."

The [AP](#) (3/16) reports that "federal officials have sold more than 122,000 acres off the North Carolina coast designated for renewable wind energy to an energy and utility company." Interior Secretary Ryan Zinke and Bureau of Ocean Energy Management acting director Walter Cruickshank announced that Avangrid Renewables, "which operates in 25 states, bid slightly more than \$9 million for the area off Kitty Hawk."

Additional coverage was provided by the [Coastal Review](#) (3/16), the [Outer Banks \(NC\) Sentinel](#) (3/16), the [Winston-Salem \(NC\) Journal](#) (3/16), the [Outer Banks \(NC\) Voice](#) (3/16), [UPI](#) (3/16, Graeber), [North American Windpower](#) (3/16, Lillian), [reNews](#) (3/16), [reNews](#) (3/15), and [Windpower Engineering & Development](#) (3/16, Froese).

Coverage by the AP was also picked up by [U.S. News & World Report](#) (3/16), the [Washington \(DC\) Times](#) (3/16), the [Oklahoman](#) (3/16), [WBT-AM Charlotte \(NC\)](#) Charlotte, NC (3/16), [WHNS-TV Greenville \(SC\)](#) Greenville, SC (3/16), and [WRAL-TV Raleigh \(NC\)](#) Raleigh, NC (3/16).

### **Secretaries Zinke, Perry Meet Wednesday To Discuss Range Of Issues.**

[E&E Daily](#) (3/16, Bravender) reports Interior Secretary Ryan Zinke and Energy Secretary Rick Perry got together on Wednesday to discuss a range of issues. In a tweet Zinke said, "Good to have @SecretaryPerry over this evening. ... Talking energy, infrastructure, and maybe a little football." The tweet "included a photo of the two recently confirmed secretaries standing shoulder to shoulder on the windy balcony of Zinke's top-floor office, which overlooks the snow-covered National Mall." The Energy Department did not "respond to a request for comment on Perry's trip to the Stewart Lee Udall building" but Perry "seemed happy with his visit." Perry tweeted Wednesday evening, "Thanks for the invitation @SecretaryZinke. ... I enjoyed our discussion!"

### **Secretary Zinke Reiterates Commitment To Tribal Sovereignty In Meeting With Native American Leaders.**

[Public Radio International](#) (3/16, Herrera) reports that "last week, members of tribal nations traveled to Washington, DC, to show support for the Standing Rock Sioux tribe in its battle against the building of the Dakota Access Pipeline." Tribal leaders met with Interior Secretary Ryan Zinke, who supports opening "up public land to drilling and mining," "but he says he's also someone who believes, 'tribal sovereignty should mean something.'" Zinke "reiterated that in his meeting with those leaders last week." Zinke "also said the new administration faces serious challenges when it comes to issues in Indian Country — like education, health care, housing and tribal economies."

### **Bill Reintroduced To Protect Methow Headwaters From Mining.**

The [Methow Valley \(WA\) News Online](#) (3/16, Stamper) reports that "a bill that would permanently withdraw more than 340,000 acres in the headwaters of the Methow River from mining and new mineral exploration was re-introduced in the U.S. Senate last week." Sens. Patty Murray and Maria Cantwell reintroduced the Methow Headwaters Protection Act on March 8, "since the previous Congress adjourned without acting on the legislation." The legislation is "one of two strategies being pursued by the Methow Headwaters Campaign to protect the land on Flagg Mountain near

Mazama from mining and exploratory drilling.” The other strategy, “which is also in the works, is called a segregation, and puts the land off-limits to new mineral exploration and mining for the next two years.”

### **Additional Coverage: Interior Approves Greens Hollow Coal Lease Sale.**

Additional coverage that the Interior Department announced on Wednesday that it “had finalized a \$22 million Greens Hollow coal lease, which was awarded to the owner of Sufco mine” was provided by the [AP](#) (3/16) and [KSL-TV](#) Salt Lake City (3/16, O'Donoghue).

### **Congress Criticized For Attacks On Public Lands.**

For the “Pundits” blog of [The Hill](#) (3/16, Ross, Contributor), Lukas Ross, a climate and energy campaigner with Friends of the Earth, claims that “the GOP agenda aims to plunder as much of our public lands as possible for fossil fuel development—and if that becomes politically impossible, to hand them over to states or localities to do the dirty work.” Ross calls the GOP plans “undoubtedly extreme” and emphasizes that “they are very unpopular.” He notes that “recent polling confirms that majorities across the West oppose land sales and oppose expanding extraction on public lands, which means the good news is that everyone is seeing through the plans proposed by GOP leaders.”

## **America’s Great Outdoors**

### ***National Park Service***

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### **NPS Official To Present Plans For Pennsylvania’s National Sites.**

The [Johnstown \(PA\) Tribune-Democrat](#) (3/17, Hurst) reports that the National Park Service’s western Pennsylvania superintendent, Stephen M. Clark will speak at a “State of the Parks” program March 29. Clark will “outline ongoing renovation work on projects like the Flight 93 National Memorial’s Tower of Voices and discuss special events, exhibits and educational programs on the 2017 schedule.”

### **Legislation Filed To Recoup Money For Swain.**

The [Waynesville \(NC\) Smoky Mountain News](#) (3/15, Stone) reports state Rep. Mike Clampitt has introduced a measure meant to “help Swain County recoup millions of dollars” it is owed by the federal government, which failed to uphold a 1943 agreement to rebuild a road that was destroyed when TVA built Fontana Dam. The county agreed to a monetary settlement in 2010 and “did receive the first installment of \$12.8 million, but hasn’t received a dime since” because Congress has not appropriated the necessary funding. Specifically, the measure would “direct Attorney General Josh Stein to investigate legal methods available to Swain County and the state to ensure the federal government holds up it’s end of the bargain” before the agreement expires in 2020.

### **North Cascades National Park Seeks Public Input On Plan To Relocate Grizzly Bears.**

The [Ellensburg \(WA\) Daily Record](#) (3/16, Buhr) reports that the North Cascades National Park is “gathering public comment on a plan to relocate grizzly bears to Washington state.” The NPS “plans to have an environmental impact statement finished by this fall and a decision on relocation completed in a year.” According to Jack Oelfke, chief of natural and cultural resources with the North Cascades National Park, the park wants to “avoid permanent loss of the grizzly bears here, restore biodiversity in the ecosystem and get the grizzly bear of the endangered species list.”

### **Additional Coverage: NPS Shuts Down Philly Historic Sites Amid Federal Hiring Freeze.**

Additional coverage that seven historic attractions within Philadelphia's Independence National Historic Park has been closed amid the federal hiring freeze was provided by [Fox News](#) (3/16).

### ***Fish and Wildlife Service***

### **Scientists Decry Overturn Of Lead Ammo Ban.**

[The Guardian \(UK\)](#) (3/16, Yuhas) reports that "last week, nearly 30 doctors and scientists sent a letter to the department of the interior to 'strongly support'" a ban on lead ammunition on national wildlife refuges that Interior Secretary Ryan Zinke "revoked on his first day in the post." According to the article, "biologists hesitate to estimate how many animals die from lead each year, but studies suggest the numbers are significant." Dr. Myra Finkelstein, a toxicologist who studies lead poisoning in condors, said, "This has nothing to do with people's right to hunt. We took lead out of gas and out of house paint. That doesn't mean you don't drive a car or paint your house. It's about using something that's safe for you and your family as well as an animal that comes upon it."

Additional coverage was provided by [McClatchy](#) (3/16, Welsh).

### **Environmental Groups File Lawsuit Over Effects Of Phosphate Mining In Central Florida.**

The [Lakeland \(FL\) Ledger](#) (3/16, Pittman) reports that "four environmental groups filed suit Wednesday against the Army Corps of Engineers and the U.S. Fish and Wildlife Service for authorizing 50,000 acres of phosphate mining in central Florida that the groups said violates the Clean Water Act and the Endangered Species Act." At issue is the "approval of three new mines and the expansion of a fourth one in Manatee, Hardee and DeSoto counties." The lawsuit "focuses on a 2013 study published by the Army Corps that said creating those mines will destroy nearly 10,000 acres of wetlands and 50 miles of streams, causing a 'significant' impact."

Additional coverage was provided by the [Winter Haven \(FL\) News Chief](#) (3/16, Pittman).

### **Study Looks At Substance Harvest of Polar Bears Under Climate Change.**

The [Ketchikan \(AK\) SitNews](#) (3/16) reports that research from the University of Washington, the U.S. Fish and Wildlife Service and the U.S. Geological Survey investigates what changes in the Arctic Ocean "could mean for subsistence harvest of polar bears – a practice that has cultural, nutritional and economic importance to many Northern communities." A study published in the Journal of Applied Ecology "addresses this question using an improved model of how polar bear populations function." According to the article, "the authors identify ways to maintain subsistence harvest without compounding the negative effects of habitat loss, as long as there is accurate population data and the harvest is responsive to changes in the environment."

### **Additional Coverage: Cheerios Offering Free Wildflower Seeds To Help Save Declining Bees.**

Additional coverage that Cheerios has "launched a campaign called #BringBacktheBees to send 100 million free packets of wildflower seeds" was provided by [CNN](#) (3/16, Park), the [Christian Science Monitor](#) (3/16, Wood), the [San Francisco \(CA\) Chronicle](#) (3/16), [Techly \(AUS\)](#) (3/17, Kostarelis), [WCAU-TV Philadelphia \(PA\)](#) Philadelphia (3/16), [WRC-TV Washington \(DC\)](#) Washington (3/16), [KAPP-TV Yakima \(WA\)](#) Yakima, WA (3/16, Redinger), [WRTV-TV Indianapolis \(IN\)](#) Indianapolis (3/16), and [WXYZ-TV Detroit \(MI\)](#) Detroit (3/16).



### **Additional Coverage: Willapa Refuge Seeks Public Input On New Headquarter Plans.**

Additional coverage that officials with the Willapa National Wildlife Refuge are seeking public input “on plans for a new headquarters and visitor center on the federal preserve that spans almost 17,000 acres” was provided by the [Daily Astorian \(OR\)](#) (3/16, Nile).

#### ***Bureau of Land Management***

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### **Federal Agencies Hold Public Hearing On Mining Near Boundary Waters Canoe Area Wilderness.**

[WDIO-TV](#) Duluth, MN (3/16) reports that “the U.S. Forest Service and the Bureau of Land Management heard from dozens of people about their proposal to withdraw 235,000 acre of federal lands from future mining and exploration for a period of 20 years.” The proposal is supported by “many who are part of the Save the Boundary Waters campaign.” However, “a strong contingent of people from the Range who say they support mining and clean water came to have their voices heard, about the need for more jobs and development for the region.”

Additional coverage was provided by the [Minneapolis \(MN\) Star Tribune](#) (3/13, Marcotty), and the [Virginia \(MN\) Mesabi Daily Tribune](#) (3/17, Ryan, Burnes).

### **Bears Ears Designation Blocks Proposed ATV Trail In San Juan County.**

[KSL-TV](#) Salt Lake City (3/16, O'Donoghue) reports that the new Bears Ears National Monument is “already impacting land use in the region after a judge said an 12-year-old proposal to build an off-road trail is contrary to the presidential proclamation.” A judge with the Interior Board of Land Appeals held “this week that no work can begin on the 6.4 mile ATV loop the Bureau of Land Management approved for the Indian Creek area until an appeal brought by environmental groups is settled.” Judge Silvia M. Riechel “noted the proclamation states that any additional roads or trails designated for motorized use are restricted to those necessary for public safety or protection of objects covered by the proclamation.”

### **Bill To Stop Mining In Soledad Canyon Reintroduced.**

The [Santa Clarita Valley \(CA\) Signal](#) (3/16, Holt) reports that Rep. Steve Knight, “who a year ago unveiled a bill to block future mining in Soledad Canyon, re-introduced the bill this week in hopes of ensuring Cemex or any other mining company would have no chance to mine in the area.” The Soledad Canyon Consistency Act would “withdraw the mineral rights for the eastern portion of the Santa Clarita Valley, effectively blocking future mining projects in the area.”

### **Securing America’s Energy Future**

#### ***Offshore Energy Development***

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### **Eni Requests Extension Of Arctic Drilling Program.**

[Bloomberg News](#) (3/16, Dlouhy) reports the Interior Department is considering Eni’s request to explore for oil in north Alaskan waters, which may give President Trump the opportunity to curtail President Obama’s Arctic drilling ban. Eni is hoping to expand Spy Island, in which Shell and Repsol are partners, into a launching pad for extended-reach drilling that would target oil in federal waters. While Eni’s exploration would not be covered by Obama’s executive order because it is in an area previously leased from the federal government, approving the plan could encourage more company’s to consider Arctic exploration.

## **BSEE's Oil Spill Research Program Supports Testing Of New Oil Burning Technology.**

The [World Oil](#) (3/16) reports that "a team of researchers funded by the Bureau of Safety and Environmental Enforcement began testing new oil burning technology Wednesday at the U.S. Coast Guard's Joint Maritime Test Facility on Little Sand Island off the coast of Mobile." Karen Stone, "a petroleum engineer with BSEE's Oil Spill Preparedness Division said the work is being conducted by the Worcester Polytechnic Institute through a grant from BSEE." Stone said, "BSEE awarded the contract to the Institute in order to help find ways to improve in-situ burning. They have successfully developed a new type of heat-feedback system that improves the combustion of crude oil. While the research is aimed at reducing the emissions from in-situ burning, it also has potential to catch any unburned oil residue that could potentially sink to the bottom of the ocean."

### ***Onshore Energy Development***

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## **Environmentalists Seek To Move Litigation Forward On Fracking Rule.**

[E&E Publishing](#) (3/16) reports environmental groups supporting the Obama-era hydraulic fracturing rule are urging a panel of judges to allow litigation to move forward amid news that the Trump Administration will not continue to defend the regulation. Earthjustice attorney Mike Freeman said, "This is a political decision intended to circumvent the rule of law and deliver a gift to the oil and gas industry at the expense of public safety. ... What the Trump administration wants is to go back to using outdated 30-year-old regulations that BLM itself recognizes failed to address threats to public health from modern fracking." Justice Department lawyers asked the 10th US Circuit Court of Appeals to delay oral arguments while the government reviews the regulation.

## **Oil Industry Welcomes Fracking Regulatory Rollbacks.**

The [Bismarck \(ND\) Tribune](#) (3/16, Holdman) reports that "industry cheered Trump administration action to repeal Obama era standards for hydraulic fracturing used in crude oil drilling on federal land." The rule, "which had been stayed, was under appeal by the Bureau of Land Management, with oral arguments scheduled for later this month, but the Trump administration asked the appeal be canceled as plans are made for regulatory repeal."

Additional coverage was provided by [RT](#) (3/16).

## **North Dakota Considering Federal Government, ETP To Recoup Protest Costs.**

The [AP](#) (3/16) reports that North Dakota officials appear ready to sue the US government, thereby targeting US taxpayers, to recoup more than \$38 million in state expenses related to months of protests against the Dakota Access pipeline. Energy Transfer Partners has offered to pay for the costs, but Common Cause, a nonpartisan group that promotes government accountability, says accepting money from a private sector business in an industry it regulates would present an ethical dilemma.

***Families Targeted By Dakota Access Protesters During Standoff.*** The [Washington Times](#) (3/16, Richardson) reports that an aggressive cohort of Dakota Access protesters targeted families of law-enforcement officers with violent threats. Allison Engelstad, who is married to a Morton County sheriff's deputy, said, "There were threats made to us, mostly that they were going to come burn down our houses or rape us while our husbands were gone." The North Dakota State and Local Intelligence Center compiled a 41 page document of social media posts that contained threats, along with photos, names, addresses and contact information of officers involved in the protest.

***Iowa Sierra Club Appeals Dakota Access Lawsuit To State Supreme Court.*** The [AP](#) (3/16) reports the Iowa Chapter of the Sierra Club is appealing to the Iowa Supreme Court its lawsuit challenging the Dakota Access pipeline. The environmental group said it documents filed Thursday that the Iowa Utilities Board refused to consider whether the pipeline would promote public convenience and necessity, as required by state law.

### **Congress Urged Not To Repeal BLM’s Methane Waste Prevention Rule Under Congressional Review Act.**

In an op-ed for the [Harrisburg \(PA\) Patriot-News](#) (3/16, Alexander), Ryan Alexander, president of Taxpayers for Common Sense, writes in support of the Bureau of Land Management’s methane waste prevention rule, which could be overturned by Congress. Alexander warns that if Congress repeals the rule under the Congressional Review Act, “it will prevent the BLM from doing anything on the issue of wasted gas in the future, without another act of Congress.” According to Alexander, “because of the gridlock and slow machinery of lawmaking, it could take years to pass a new law regulating methane waste on public lands – this translates to hundreds of millions of taxpayers’ dollars being flushed down the drain.” She acknowledges that the BLM methane rule is “not perfect,” but she argues that “there are many avenues Congress can take to fix it instead of using the blunt axe of the Congressional Review Act.”

### **Support Urged To Keep Navajo Generating Station Open.**

For the “Congress” blog of [The Hill](#) (3/16, Begaye, Contributor), Navajo Nation President Russell Begaye writes that the Navajo Nation is “faced with an impending economic disaster after the owners of the Navajo Generating Station (NGS), a power plant on Navajo land, have threatened to shut down the facility by 2019.” According to Begaye, “keeping the plant open through 2029 would allow our Nation the time needed to develop a strategy to mitigate the economic impact of the plants closure.” Begaye is optimistic that with Interior Secretary Ryan Zinke’s “unique energy background and President Trump’s emphasis on public-private partnerships, the NGS has an opportunity to set the tone for national infrastructure in rural America.”

### **Editorial: Responsible Coal Mining Practices Necessary During Transition To Other Fuels.**

The [Salt Lake \(UT\) Tribune](#) (3/16) editorializes that “coal, no matter who is president, is the fuel of the past.” However, the transition to other fuels will “take some considerable time, our economy, power grid and industrial base are not ready to go cold turkey on coal.” According to the paper, “that makes it all the more necessary that Utah and the nation hold new Interior Secretary Ryan Zinke to his word when he reassures us that there are ways ‘to responsibly mine coal and return our land to equal or better quality after.’”

## ***Renewable Energy***

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### **First US Offshore Wind Farm Performs “Superbly” During Blizzard.**

The [AP](#) (3/16) reports offshore wind developer Deepwater Wind says all five turbines off Rhode Island operated at full capacity during much of Tuesday’s blizzard in the region. The storm was a chance to go “full throttle” and the turbines performed “superbly.”

## **Tackling America’s Water Challenges**

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### **House Passes Fontenelle Expansion.**

The [AP](#) (3/16) reports that the U.S. House has “passed a measure to expand the water storage at Fontenelle Reservoir in southwest Wyoming.” According to the article, “the proposed expansion would be accomplished by completing ‘rip rap’ around the reservoir.”

Coverage by the AP was also picked up by the [Tulsa \(OK\) World](#) (3/16), [U.S. News & World Report](#) (3/16), the [Wichita \(KS\) Eagle](#) (3/16), and [KTWO-AM Casper \(WY\)](#) Casper, WY (3/16).

### **California Proposes \$400 Million Plan To Slow Shrinkage Of Salton Sea.**

The [AP](#) (3/16, Spagat) reports that California Gov. Jerry Brown’s administration on Thursday “proposed spending nearly \$400 million over 10 years to slow the shrinking of the state’s largest lake just as it is expected to evaporate an accelerated pace.” According to the article, “the plan involves building ponds on the northern and southern ends of the Salton Sea, a salty, desert lake that has suffered a string of environmental setbacks since the late 1970s.” The article notes that “the proposal comes at a critical time for the lake about 150 miles southeast of Los Angeles because San Diego’s regional water agency will soon stop sending water to help preserve the lake.”

Additional coverage was provided by the [Palm Springs \(CA\) Desert Sun](#) (3/16, James).

Coverage by the AP was also picked up by [Philly \(PA\)](#) (3/16, Spagat), [U.S. News & World Report](#) (3/16, Spagat), the [Washington \(DC\) Post](#) (3/16, Elliot Spagat |, Ap), the [Washington \(DC\) Times](#) (3/16, Spagat), the [Albuquerque \(NM\) Journal](#) (3/16, Spagat), and the [Daily Mail](#) (3/16).

## **Top National News**

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### **White House Budget Proposal Greeted Coolly On Capitol Hill.**

The White House released a \$1.15 trillion [budget blueprint](#) for Fiscal Year 2018 on Thursday morning, with President Trump [tweeting](#), “A budget that puts #AmericaFirst must make safety its no. 1 priority – without safety there can be no prosperity.” But while some reports give Trump credit for sticking to many of his campaign pledges by leaving entitlements untouched and increasing defense spending, coverage overall is heavily negative, focusing on opposition from Republicans who fear that proposed cuts to other programs may be too harsh. In addition to reporting on the bumpy reception from the Capitol Hill GOP, some coverage, particularly on the broadcast networks, shines a harsh light on proposals like cuts to Meals On Wheels funding.

[ABC World News Tonight](#) 📺 (3/16, story 2, 3:25, Muir) reported that “some Republicans [are] giving it a chilly response.” ABC’s Mary Bruce: “The big winners: military spending – a whopping \$54 billion request – Veterans Affairs, and Homeland Security. The President asking for a combined \$4.1 billion in tax money to start building his border wall, though Trump has promised Mexico will ultimately foot the bill. ... The big losers in the President’s budget: the EPA, the State Department, and Education.” OMB Director Mulvaney: “I put myself in the shoes of that steel worker in Ohio, the coal miner, the coal mining family in West Virginia, the mother of two in Detroit, and I’m saying, ‘Okay, I have to go ask these folks for money, and tell them where I’m going to spend it.’ Can I really go to those folks, look at them in the eye, and say, ‘Look, I want to take money from you, and I want to give it to the corporations or broadcasters?’” Bruce: “But many of the programs on the chopping block are intended to help the poor. Federal funding for Meals On Wheels and after-school programs, nixed.”

[NBC Nightly News](#) 📺 (3/16, story 3, 2:20, Holt) reported, “The President is keeping his promise. There’s a lot more money for the military but there are critics who say popular programs and the poor would pay the price.” NBC’s Peter Alexander: “It’s the primary promise of the Trump presidency.” Mulvaney: “We had an ‘America First’ candidate, and you now have a ‘America First’ president, and it shouldn’t surprise anybody we have an ‘America First’ budget.” Alexander: “The

President's team says he's delivering. A budget blueprint spending nearly \$60 billion more on Defense, Homeland Security, and veterans care, offset by deep and unprecedented cuts. The State Department slashed by 29 percent, targeting foreign aid, The Environmental Protection Agency sliced by 31 percent, including programs to combat climate change." Mulvaney: "We consider that to be a waste of your money." Alexander: "But critics say low-income Americans would be the hardest hit, with sweeping cuts to affordable housing and job training programs. Eliminating federal aid and grant that helps this Texas Meals On Wheels program, feeding 3,000 seniors every day."

The [CBS Evening News](#) (3/16, story 4, 0:50, Mason) aired a briefer report, outlining the broad strokes of the proposal. CBS' Major Garrett said, "Republicans are skittish about this budget proposal...because it asks for deep cuts, the kind of which they never really voted for or had the political backing for before." Mulvaney said on [MSNBC's Morning Joe](#) (3/16), "What we are trying to do here...is sending a message to Congress. The message is clear: We want more money to defend the nation, more money to defend the border, more money to enforce the laws, and we want to do it without adding to the deficit this year."

The [AP](#) (3/16, Taylor) says the budget proposal "would reshape America's government with the broad, conservative strokes" that Trump "promised as a candidate, ordering generous increases for the military, slashing domestic programs and riling both fellow Republicans and Democrats by going after favored programs." However, "it would make a big down payment on the US-Mexico border wall, which Trump repeatedly promised the Mexicans would pay for." And "while it targets Democratic priorities like housing, community development and the environment, it also would slash GOP sacred cows like aid to rural schools and subsidized airline service to Trump strongholds."

[Bloomberg Politics](#) (3/16, Litvan, Dennis) calls it "an audacious budget with steep cuts to nearly every domestic department" that has "little chance" in Congress as-is. House Republicans "were notably lukewarm in their reaction," and House Speaker Ryan "called it part of a 'long, ongoing' budget process." Sen. John McCain said, "It is clear that this budget proposed today cannot pass the Senate."

[USA Today](#) (3/16, Jackson) says the budget "faces heavy opposition and enters a contest in Congress as a decided underdog. Even some Republicans balk at some of the proposed double-digit reductions" in many programs. Senate Minority Leader Schumer said, "This budget shifts the burden off of the wealthy and special interests and puts it squarely on the backs of the middle class and those struggling to get there." USA Today notes that Senate Majority Leader McConnell has "objected to steep cuts in foreign aid that are included in Trump's proposal."

The [New York Times](#) (3/16, Shear) also says that "even members of [Trump's] own party questioned some of the cuts – and what was not being cut. More expected cries of alarm came from scientists, human rights advocates, teachers, diplomats, artists and workers." The Times calls it Trump's "first major attempt to dismantle what his aides dismissively call the 'administrative state.'" It "envisions deep cuts to many government programs while leaving entitlement programs like Social Security untouched."

The [Wall Street Journal](#) (3/16, Hughes, Andrews) says that in general, Republicans supported Trump's desire to cut domestic spending, but differed over the programs to be cut and the degree of the spending reductions. The [Washington Post](#) (3/16, Snell, Demirjian) reports that Rep. Hal Rogers (R-KY), a former House Appropriations Committee chairman, "was one of several GOP lawmakers to dismiss Trump's budget as a pie-in-the sky wishlist with little hope of surviving negotiations in Congress."

The [Los Angeles Times](#) (3/16, Memoli, Bierman) reports that "at least 19 independent agencies" would be fully eliminated, including the Corporation for Public Broadcasting, the National



Endowment for the Arts, and the National Endowment for the Humanities. The [Christian Science Monitor](#) (3/16, Feldmann) reports that the EPA budget would be cut by 31 percent, the State Department 29 percent, the Agriculture and Labor Departments 21 percent each, HHS 18 percent, the Commerce Department 16 percent, the Education Department 14 percent, and HUD and the Transportation Department 13 percent each.

[Politico](#) (3/16, Bresnahan, Ferris, Scholtes) says the budget proposal “got a rough reception Thursday on Capitol Hill.” Democrats called it “radical and cruel, especially for its cuts to programs that support the poor,” and “key GOP lawmakers in both the House and Senate are already signaling they won’t move forward with Trump’s proposal.” [The Hill](#) (3/16, Lane) says that while “it (mostly) follows the campaign blueprint...much of it won’t fly with Congress.”

The [New York Times](#) (3/16, Steinhauer) writes that “the budget takes aim at a broad swath of discretionary spending, digging into the flesh of departments or programs that some Republicans have longed to cut,” while the [Washington Post](#) (3/16, Mufson, Jan) writes, “If you’re a poor person in America, President Trump’s budget proposal is not for you.” The [Huffington Post](#) (3/16, Carter, Delaney, Stein) writes, “Put simply, Trump wants to take \$54 billion currently flowing to the poor, scientific research, environmental protection and other programs and hand it over to the military-industrial complex.”

[McClatchy](#) (3/16, Kumar) writes, “If Donald Trump promised something on the campaign trail, chances are you can see it in his first budget.” The [Boston Globe](#) (3/16, McGrane), however, says that “some of the biggest losers in President Trump’s budget are the rural communities that fueled his stunning White House victory.”

Sen. Kamala Harris [tweeted](#), “President Trump’s #budget cuts include the programs that provide heat to low-income families and formula to babies in need.” Sen. Mark Warner [said on Facebook](#), “This budget proposal from President Trump does not reflect a balanced approach. Instead, it includes many short-sighted choices that if implemented could actually harm our country’s strength and long-term growth.”

The [New York Times](#) (3/16) says in an editorial, “This is, of course, very much a political document, full of bluster and preposterous cuts that Mr. Trump must know that Congress, including many Republicans, will not accept. But the spirit behind the ‘budget blueprint’ is clear enough: With a few big exceptions, Mr. Trump is in full tear-down mode.” The Times adds, “Taken at face value, it would impose pain for pain’s sake.”

The [Washington Post](#) (3/16) editorializes, “The plan released by the White House on Thursday did not even claim to address taxes and entitlement programs; it focused exclusively on the \$1.1 trillion discretionary budget for fiscal 2018, both non-defense and defense. This emphasis only underscores the folly of keeping revenues and mandatory spending programs out of the discussion.” In an editorial, the [Wall Street Journal](#) (3/16) writes that the budget proposal shows how drastic cuts will be needed if the government does not tackle entitlement spending.

The [Los Angeles Times](#) (3/16) says in an editorial that the budget takes “a draconian approach and would inflict so much pain on lawmakers’ constituents – especially in Red State America – that Congress is expected to ignore most of Trump’s proposal. ... Trump’s proposal reads a bit like a wish list of perennial GOP targets.”

Eugene Robinson writes in his [Washington Post](#) (3/16) column, “President Trump’s first budget is an attempt to reshape the federal government in his own image – crass, bellicose, shortsighted, unserious and ultimately hollow.” Petula Dvorak writes in her [Washington Post](#) (3/16) column, “What about the ‘forgotten men and women’ Donald Trump talked about on the campaign trail? With the federal budget he unveiled Thursday, President Trump showed he wants to make sure they remain forgotten.”

Paul Krugman, in his column in the [New York Times](#) (3/17, Krugman), compares President Trump's "vaguely budget-like document," which Krugman casts as not "much more than a roughly scribbled list of numbers, with no clear picture of what those numbers would mean," to the GOP healthcare plan and predicts the budget will face the same issues for the same reasons. Both are predicated on "the same combination of meanspiritedness and fiscal fantasy" that imagines most government spending and regulations go to waste and help no one, which are "misperceptions, carefully nurtured by right-wing media."

John Harwood said on [CNBC's Fast Money](#) (3/16), "What is the likelihood that this will be enacted? In total, not very much at all. Why? Because to have a shift of that magnitude – that much money from defense to non-defense – you have to pass a new law changing budget caps. It has to go through a filibuster. Need not only 52 Republicans but eight Democrats. Those 60 votes won't be there."

Actor/activist George Takei, who has 2.24 million followers, [tweeted](#), "Trump's budget: Your stepdad wants to spend all the extra money on a hunting rifle, when grandma can't afford meds and the kids need shoes." Writer Oliver Willis, who has 69,100 followers, [tweeted](#), "This budget is why you don't normalize, why you don't concede anything and absolutely why you don't 'give him a chance.'" Steve Kopack of CNBC, who has 20,800 followers, [tweeted](#), "It is estimated that 1 of Trump's trips to Mar-a-Lago costs \$3M. His budget calls for eliminating \$4M for the Council on Homelessness." The elimination of Meals On Wheels funding was a common criticism in much of the [Facebook discussion](#) of the budget.

**Tillerson Calls Budget "A Genuine Opportunity To Set A New Course."** The [Washington Post](#) (3/16, Morello) reports that Secretary of State Tillerson said in a Thursday letter to employees "that next year's budget proposal, marked by deep funding cuts, is an 'unmistakable restatement' of the country's needs and a harbinger of new priorities." The [New York Times](#) (3/16, Harris) reports that Tillerson "sent a nine-sentence email from Japan to his staff stating that 'US engagement must be more efficient,' and that the budget was 'a genuine opportunity to set a new course.'" [Reuters](#) (3/16, Alexander) reports that the State Department said the budget would not reduce US aid to Israel.

**White House Seeks Immediate Pentagon Funding Boost.** [USA Today](#) (3/16, Brook) reports that Trump "is asking Congress to provide an immediate \$30 billion funding boost for the Pentagon, with \$5 billion of it earmarked to quicken the pace of the fight" against ISIS. In a letter to House Speaker Ryan, Mulvaney wrote, "It represents a critical first step in investing in a larger, more ready, and more capable military force." The [Wall Street Journal](#) (3/16, Mann, Sparshott) says that the requested \$30 billion is in addition to the \$54 billion in new military spending the Administration seek for the next fiscal year. The [New York Times](#) (3/16, Cooper) says that the Pentagon "released a broad wish list on Thursday...filling its shopping cart with desires including Apache helicopters for the Army, anti-submarine planes for the Navy, fighter jets and more training for selected personnel."

**NYPD Commissioner Says Budget Would Make City Less Safe.** The [New York Daily News](#) (3/16) reports that New York Police Commissioner James O'Neill said Trump's budget "will damage the NYPD's ability to keep the city safe from terrorism." The [Daily News front page](#) is a picture of the Freedom Tower at the World Trade Center site in siting crosshairs, with the headline "MADNESS".

**Environmental Programs Face Major Cuts.** The [Washington Post](#) (3/16, Mooney) says the budget proposal "presents a wholesale repudiation of two main Obama administration objectives: fighting climate change and stoking a revolution in renewable energy." The [Washington Times](#) (3/16, Boyer) reports that it shows Trump's "intention to end President Obama's climate-change policies, including eliminating funding for the so-called Clean Power Plan." David Goldston of the Natural Resources Defense Council told [USA Today](#) (3/16, Sullivan), "Calling this a budget is kind

of the equivalent of calling a nuclear attack a disagreement.” Goldston “said the danger was not that Congress would approve the proposal but that it ‘might take this seriously as a point for negotiation.’”

The [Wall Street Journal](#) (3/16, Connors, Calvert) reports that the EPA budget would be cut by 31 percent, with about 3,200 jobs eliminated. The [New York Times](#) (3/16, Davenport) reports that that would affect “emergency calls from city and state officials” such as a “chemical leak from an asphalt plant into the water supply” in Corpus Christi, Texas in December, or “a 2014 fire at a perfume factory in Bridgeport, Conn., that spewed dangerous chemicals into the surrounding neighborhood.”

**Science And Research Would Face Big Cuts.** The [Washington Post](#) (3/16, Achenbach) reports that the budget plan “calls for massive cuts to federally funded research,” and the [Washington Post](#) (3/16, Kaplan) says in another item that NASA’s Graduate Student Researchers Project would be eliminated.

**Teacher Training, After-School Programs Would Be Defunded.** The [Wall Street Journal](#) (3/16, Belkin, Brody) reports that the Education Department budget would be reduced by 13 percent, with funding for teacher training and after-school programs eliminated entirely.

**Public Broadcasters Prepare For Budget Fight.** The [New York Times](#) (3/16, Grynbaum, Sisario) reports, “Public radio and television broadcasters are girding for battle” over the “potential elimination of about \$445 million in annual funding.” Corporation for Public Broadcasting President Patricia Harrison “warned in a statement on Thursday that the Trump budget proposal, if enacted, could cause ‘the collapse of the public media system itself.’” The [Washington Times](#) (3/16, Ernst) reports that PBS CEO Paula Kerger said, “The cost of public broadcasting is small, only \$1.35 per citizen per year, and the benefits are tangible: increasing school readiness for kids 2-8, support for teachers and homeschoolers, lifelong learning, public safety communications and civil discourse.”

Philip Bump of the [Washington Post](#) (3/16) writes, “The idea that a single mother would rather pay for a new aircraft carrier (as Trump has pledged) instead of the Corporation for Public Broadcasting – instead of the financial backer of ‘Sesame Street’ – is utterly ludicrous. In fact, if you asked most Americans if they’d rather spend billions of dollars on another aircraft carrier...or spend under \$500 million – 0.01 percent of the budget – to keep public programming, it’s safe to assume that many people would choose the latter. Especially single mothers. Even some coal miners.” Glenn Kessler writes in a [Washington Post](#) (3/16) Fact Checker piece that an average Kentucky coal miner’s taxes contributed “less than a dollar” to the CPB last year.

**Budget Would Eliminate Manufacturing Extension Program.** The [Washington Post](#) (3/16, Paquette) reports, “Among the avalanche of federally funded programs President Trump wants to hollow out is the Manufacturing Extension Program,” created by President Reagan, “which focuses on small and medium-sized firms.” A 2015 study found that “for every one dollar of federal investment, the MEP national network generates \$17.9 in new sales growth for manufacturers.” The program “has long enjoyed bipartisan support.”

**Firing Federal Workers Can Be A Difficult Process.** The [Washington Post](#) (3/16, Yoder, Rein) reports, “The process used to lay off federal employees, better known by its acronym RIF, could be triggered if Trump’s budget is enacted into law. ... But laying off federal workers requires going through a formal process that can be lengthy, expensive and disruptive to the workplace, experts say,” and “various legal and union rights may come into play.”

**Mulvaney Has Backed Cuts To Pentagon, Entitlements In The Past.** The [New York Times](#) (3/16, Flegenheimer, Rappeport) writes that Mulvaney “has long railed against runaway military spending; Mr. Trump wants a huge increase.” He has also “favored drastic changes to Medicare



and lifting the eligibility age for Social Security, placing him at odds with Mr. Trump, who has pledged to protect those entitlement programs.”

### **House Budget Committee Approves American Health Care Act.**

The [New York Times](#) (3/16, A14, Pear) reports that on Thursday, House Republicans took the American Health Care Act (AHCA) one step closer to passage when the Budget Committee approved it by a vote of 19-17. This approval sends AHCA, which is House GOP leaders’ proposal to replace the Affordable Care Act, to the House Rules Committee, its final stop before the House floor. The article points out, however, that three GOP lawmakers sided with Democrats against the measure, which suggests it faces a “difficult road ahead.”

The [Washington Post](#) (3/16, DeBonis, Sullivan) reports that the committee “recommended a series of changes to the plan reflecting concerns from conservatives and centrists.” The article says five Democrats and all the Republicans on the committee approved “a motion to change the system of tax credits created under the plan to ensure they are ‘afforded to the population that they are intended to serve,’ an idea embraced across the ideological spectrum, including among centrists whose votes could be key.” Like the Times, the Post says that in spite of this progress, AHCA’s fate remains “very much in doubt, as conservatives plotted new ways to compel GOP leaders to move the bill further to the right.”

[McClatchy](#) (3/16, Daugherty, Pugh) says “GOP leadership aims to have a vote on the House floor by March 23.” The article points out none of the Budget Committee’s motions “are actual changes to the bill, and the Rules Committee could choose to ignore the Budget Committee’s recommendations.”

The [CBS Evening News](#) 📺 (3/16, story 3, 2:00, Mason) reported conservatives “tacked on a work requirement for Medicaid recipients.” Meanwhile, CBS said, the White House and House Speaker Ryan are “stuck in the middle.” Ryan said, “This President is getting deeply involved. He is helping bridge gaps in our conference.” Democrats have focused their attacks on AHCA on concerns over projections that 24 million Americans would lose coverage under the GOP plan.

The [AP](#) (3/16, Fram) says that if one more GOP lawmaker had joined the Democrats, “the measure would have failed in what would have been a damaging, embarrassing – but not fatal – blow.” The AP adds that President Trump supports AHCA, and according to one lawmaker, he called GOP panel members and urged them to vote for the bill. Kayla Tausche said on [CNBC’s Closing Bell](#) 📺 (3/16), “There is an expectation that starting next week the President will need to be getting on to phone to begin whipping those votes.”

[USA Today](#) (3/16, Collins) calls Thursday’s approval a “narrow victory” for House GOP leaders. The three Republicans who voted with Democrats against the measure – Reps. Dave Brat (R-VA), Gary Palmer (R-AL), and Mark Sanford (R-SC) – are all members of the House Freedom Caucus. The group is comprised of about “40 hardline conservatives who have criticized the bill in its current form, mostly on the grounds that it does not go far enough in repealing Obamacare and does not do so quickly enough.” The [Washington Times](#) (3/16, Howell)

Rep. Mark Meadows (R-NC) said on [MSNBC’s Morning Joe](#) 📺 (3/16), “We know Obamacare can’t stay because it’s failing already. But the other is we need to make sure that the plan we put forth, not only has the coverage that you’re talking about that you’re leading in with, but the more important thing is that premiums come down. And it’s our position and the House freedom caucus that the current plan doesn’t go far enough and so we are working amendments as we speak.”

The [Wall Street Journal](#) (3/16, A2, Hackman, Peterson, Armour) quotes Brat as predicting AHCA will not pass on the House floor. Rep. Leonard Lance (R-NJ) indicated to the Journal that he was unlikely to vote for the bill, citing its elimination of Medicaid expansion to an earlier date. [Politico](#) (3/16, Cancryn) reports that Brat had said on Wednesday that he would not vote for AHCA

to advance to the House floor. The piece adds that this threat “prompted a full-court press from GOP leadership to keep members in line.” Budget Chairwoman Diane Black told her colleagues, “This is the conservative health care vision that we have been talking about for 10 years. ... I encourage you, don’t cut off the discussion.”

Sen. Rand Paul said on [MSNBC’s Morning Joe](#) 📺 (3/16), “There’s a lot of agreement on repeal. ... But, there really isn’t a great deal of unity over Paul Ryan’s replacement plan. ... No conservative is for his plan. I think his plan is dead on arrival. My hope is it never leaves the House.”

**Ryan Confident In AHCA’s Passage, Praises Trump For “Bringing People Together.”** Announcing AHCA’s passage through the Budget Committee, Ryan expressed confidence in the bill’s ultimate passage, [The Hill](#) (3/16, Hellmann) reports. Ryan said, “Repeal and replace will be a step-by-step approach. We are very pleased with where we are because we are on track and on schedule with where we’ve intended to be this whole time.”

[Reuters](#) (3/16, Morgan, Chiacu) quotes Ryan as saying at the news conference that President Trump “is getting deeply involved. He is helping bridge gaps in our conference. He is a constructive force to help us get to a resolution so that we get consensus on how to repeal and replace Obamacare.” [USA Today](#) (3/16, Kelly) further quotes Ryan saying Trump’s “listening and negotiating skills are bringing people together. He goes around the press and connects with people. ... that helps bridge gaps in Congress and gets people unified so we can deliver on our promises.” Ryan added, “I’m excited that we have a president who likes closing deals...who wants to get us to the finish line.”

Following the news, Trump [tweeted](#), “Great progress on healthcare. Improvements being made – Republicans coming together!” [Reuters](#) (3/16, Heavey) reports that “on Wednesday, Trump held a campaign-like rally in Tennessee as he tried to build momentum for his first legislative initiative to make good on his campaign promise to repeal and replace Obamacare.”

In an interview on [CNN’s Situation Room](#) 📺 (3/16), Ryan highlighted that the CBO estimate that 24 million people would lose coverage under AHCA relies on the assumption that people covered by ACA wouldn’t purchase coverage elsewhere if and when that coverage ends. Ryan said, “What CBO is basically saying is, if the government stops forcing people to buy something they don’t want to buy, they’re not going to buy it.” Ryan added that coverage estimates are “hard to nail down.”

**Labrador Says AHCA Has “No Natural Constituency.”** The [Washington Times](#) (3/16, Howell) reports that Rep. Raul Labrador (R-ID) told reporters that the AHCA has “no natural constituency,” and “We’re trying to figure out who, exactly, it’s trying to appease.” Labrador, a member of the House Freedom Caucus, is demanding “fundamental changes” to the AHCA because it fails to reduce premiums and fully repeal the ACA.

**O’Reilly Calls AHCA “Shaky,” But Predicts House Passage.** In his “Talking Points Memo” segment on [Fox News’ O’Reilly Factor](#) 📺 (3/16), Bill O’Reilly argued that “for the good of all Americans, these pinheads in Congress should try to get the best possible bill and put their ideology on the shelf.” O’Reilly predicted that “the Republican version of Obamacare will make it through the House with some compromises and arrive in the Senate at the end of March. There are a few Democratic senators who might be won over but only a few. So, a new health care law is shaky to say the least.”

**Krauthammer: CBO Estimate Of 24 Million Losing Coverage Is “Highly Suspect.”** [Washington Post](#) (3/16) columnist Charles Krauthammer writes that the CBO’s estimate that 24 million Americans would lose their health insurance coverage if the ACA is repealed is “highly suspect,” citing data the CBO relied upon that he says is incorrect. Krauthammer also writes that Republicans will have to pay a “political price” for switching to a healthcare system that results in higher premiums,

while GOP conservatives will have to retreat from their hard lines to compromise on a healthcare bill. Krauthammer suggests that alternately, the GOP could abandon the reconciliation route and let the Democrats filibuster legislation and take the blame when the ACA “collapses under its own weight.”

**Hewitt: AHCA’s Passage Requires Compromise Between Republican Right And Centrists.** Hugh Hewitt writes in his column in the [Washington Post](#) (3/16) that “the American Health Care Act is in trouble,” because “the Republican right and the Republican center want different things.” Hewitt outlines the key issues dividing the Republican Party and argues that the bill can be saved if President Trump and other Republican leaders are willing to compromise.

**Strassel: Negotiations Over AHCA Show The Bill Has Life.** [Wall Street Journal](#) (3/16, A15) columnist Kimberley Strassel writes that in spite of claims that AHCA is dead-on-arrival, the contentious debate over the bill and its Thursday passage through the Budget Committee show it has life. Strassel cites how Sen. Ted Cruz and Rep. Mark Meadows (R-NC) have argued against the bill, but are refusing to walk away from negotiations over it.

**Weigel: ACA’s “Mixed” Results Create Challenges For Selling ACA Replacement.** [Washington Post](#) (3/16) columnist David Weigel writes that President Trump’s portrayal of the Affordable Care Act as a disaster “jars with Trump’s (and Republicans) portrayal of an American economy that’s humming along – and with the mixed, not disastrous, record of the” ACA. Weigel argues the ACA is not hurting “the economy by encouraging people to leave the workforce,” as Trump once reportedly alleged. Weigel concludes that this creates challenges for the GOP as they attempt to sell their replacement plan to their constituents.

### **Trump Vows To Keep Fighting As Second Judge Blocks Revised Immigration Order.**

Media reports are calling a second federal judge’s injunction blocking President Trump’s revised immigration order a setback for the Administration, and many highlight the judge’s use of Trump’s own rhetoric and that of his advisers to make the decision. However, most reports also point out that Trump is vowing to continue fighting the rulings on court.

In what the [Washington Post](#) (3/16, Zapotosky) calls “another win for challengers” of Trump’s order, US District Judge Theodore D. Chuang in Maryland used “Trump’s own comments against him in deciding that the ban was likely to run afoul of the Constitution.” Chuang wrote, “The history of public statements continues to provide a convincing case that the purpose of the Second Executive Order remains the realization of the long-envisioned Muslim ban.” Chuang’s order, which came after “a different federal judge in Hawaii stopped it,” did not “sweep as broadly as the one in Hawaii, but he similarly declared that even the revised travel ban was intended to discriminate against Muslims.”

The [New York Times](#) (3/16, Shear) says this marks the second time in two months that a federal judge cited Trump’s “campaign rhetoric as evidence of an improper desire to prevent Muslims from entering the United States.” The “stunning rebukes,” the Times adds, “were a vivid example of how Mr. Trump’s angry, often xenophobic rallying cries during the campaign – which were so effective in helping to get him elected – have become legal and political liabilities now that he is in the Oval Office.” The [Washington Post](#) (3/16, Zapotosky) says both judges “cited extensively the president’s own words – and those of his close advisers – as reasons” for their decisions. The Post goes on to list “seven examples that judges have cited as they have ruled against his new ban.”

[USA Today](#) (3/16, Gomez) calls the Maryland ruling “another blow” and a “stinging rebuke” of Trump’s order, and the [Los Angeles Times](#) (3/16, Kaleem) says the rulings in Maryland and Hawaii “marked back-to-back blows for the Trump administration, which had already suffered a major defeat last month when a Seattle judge issued a national halt to the first travel ban.” The

[Wall Street Journal](#) (3/16) argues in an editorial that while the immigration order is bad policy, if the revised version had come from any president other than Trump, the judges would not have been so willing to intercede in US foreign affairs or to disregard Supreme Court precedent. Because it is Trump, the Journal opines, the judges are abandoning that reluctance in order to make political statements.

On [NBC Nightly News](#) (3/16, story 4, 0:20), Lester Holt called the rulings “another setback” for Trump, who is “vowing to fight back,” and on [ABC World News Tonight](#) (3/16, story 3, 2:20, Muir), senior White House correspondent Cecilia Vega said Trump “is vowing to keep fighting in court.” The [Washington Times](#) (3/16, Noble, Sherfinski) reports that Omar Jadwat, director of the ACLU’s Immigrants’ Rights Project, “said the Maryland ruling was ‘another strong judicial condemnation of President Trump’s unconstitutional Muslim ban.’” Jadwat said, “If, as promised, he continues to try to defend this indefensible order in the courts – or goes back to the first iteration of the ban – he will just keep losing.”

[Reuters](#) (3/16, Levine, Rosenberg) reports that Trump “has pledged to appeal to the US Supreme Court if necessary to fight for his revised travel ban.” But, the “legal path forward will be challenging.” The “likely next stops...would be the 4th and 9th US circuit courts of appeal,” both of which “may be frosty venues for Trump’s arguments, with majorities of the judges in each appointed by Democratic presidents.” The [Wall Street Journal](#) (3/16, Kendall) says that if the Administration loses at that level and seeks emergency Supreme Court intervention, it would need five justices to support an order restoring the travel restrictions, but the High Court is currently split 4-4. According to the Journal, the Administration’s chances would be better if such an appeal got to the Court after Trump’s nominee, Judge Neil Gorsuch, is confirmed.

[Bloomberg Politics](#) (3/16, Larson, Voris) says an appeal by the Administration “might carry risks as Trump’s own words could come back to haunt him in court.” During a rally in Nashville on Wednesday, Trump said, “We ought to go back to the first one and go all the way, which is what I wanted to do in the first place,” a statement “some lawyers and legal scholars” saw as an admission by Trump “on live television that he’d rather have a travel ban that gave preference to Christian minorities and blocked many Muslims who had a right to enter the US on valid visas.” Stephen Wasby, a legal scholar at the State University of New York in Albany, said that lawyers “might argue that the president’s words ‘reinforce his real motive’ in drafting the new ban.” The [Washington Post](#) (3/16, Wagner, Zapotosky) says the President’s comments in Nashville are “just one of numerous examples of Trump and his advisers pushing incendiary language and unfounded claims, even in the face of opposition from federal judges and top lawmakers of both parties.” While Trump’s supporters “say his freewheeling rhetoric, in person and on social media, is a large part of his appeal and has kept him in good stead with his political base,” it is “also making governing more challenging.”

The [New York Times](#) (3/16, Burns) says that while the language of the Hawaii ruling was “stern, even biting,” Judge Derrick K. Watson is known to friends “as a placid and patient colleague.” Watson, the Times adds, “surprised even some admirers with the scope and intensity of his opinion.”

***Internal Administration Reports Undercut Trump’s Argument For Immigration Order.*** The [Washington Post](#) (3/16, Barrett, Hauslohner, Nakamura) reports that “at least two sets of internal data...appear to undercut the government’s argument” for the order. An internal report titled “Most Foreign-Born US-Based Violent Extremists Radicalized After Entering Homeland,” analyzed “roughly 90 cases of suspected or confirmed foreign-born terrorists, finding that most of them likely embraced extremist ideology after they arrived in the United States, not before.” The Administration has used a second report, “drawn on classified FBI data...to bolster its claims that refugees pose a risk of terrorism.” But the figures “undermine a key premise of the travel ban

because most of the suspects cited in the report came from countries unaffected by President Trump's executive order." The Post says the reports "show there is a significant amount of internal government data that suggests the travel ban Trump wants to implement is not likely to be effective in curbing the threat of terrorism in the United States, these people said."

***Democrat Senators Say They've Been Denied Immigration Meeting With Kelly.*** [Politico](#) (3/16, Kim) cites "Democratic sources" who say Democratic senators have "for more than two weeks" been seeking a meeting with DHS Secretary Kelly to discuss the Administration's immigration enforcement policies, but the meeting "has yet to materialize" even as Kelly "heads to Capitol Hill on Friday to field questions from House Democrats about the same tactics." DHS offered the senators a meeting with acting ICE Director Homan and acting CBP Commissioner McAleenan. DHS acting Deputy Assistant Secretary David Lapan said that the department has been working with the offices of Senate Minority Whip Durbin and Sen. Claire McCaskill "to arrange a sit-down between Kelly and senators." Lapan said in an email, "There has been no refusal to meet. ... The secretary looks forward to meeting with House members tomorrow and senators once the meetings are scheduled."

***SEC Nominee Urged To Denounce Immigration Order.*** The [New York Times](#) (3/16, Olson) reports that 27 former associates at the law firm Sullivan & Cromwell, where President Trump's nominee to be SEC chairman, Walter J. Clayton, is a partner, have written to Clayton, urging him "to publicly denounce Mr. Trump's proposed travel ban." In their letter, they ask that Clayton "speak out during his confirmation hearings and stand up for the legal profession by 'unequivocally opposing' the president's executive orders and 'the unlawful, cruel and shameful actions of this administration.'"

***Pence Says His Grandfather Was Right To Come To America.*** The [Washington Post](#) (3/16, Roberts) reports that Vice President Pence on Wednesday "made a heartfelt, impassioned case for his Irish grandfather's immigration to the United States." Speaking at the 25th Ireland Funds dinner, Pence said, "He was right about America. ... He was right to summon the courage, as generations did before and since, to come here and follow their dreams and make the contributions that they did."

## **Editorial Wrap-Up**

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### **New York Times.**

***"Mr. Trump's Tear-Down Budget."*** The [New York Times](#) (3/16) says in an editorial that President Trump's budget proposal "is, of course, very much a political document, full of bluster and preposterous cuts that Mr. Trump must know that Congress, including many Republicans, will not accept. But the spirit behind the 'budget blueprint' is clear enough: With a few big exceptions, Mr. Trump is in full tear-down mode." The Times adds, "Taken at face value, it would impose pain for pain's sake."

***"A Dent In Europe's Populism."*** In an editorial, the [New York Times](#) (3/16) warns, "It would be a mistake to assume the Dutch vote" portends France's Marine Le Pen and her far-right National Front party losing in that country's upcoming elections. Noting that Geert Wilders's Party for Freedom came in second, the Times warns, "the threat of far-right populism in Europe continues."

### **Washington Post.**

***"Trump's Budget Is Utterly Unrealistic."*** The [Washington Post](#) (3/16) editorializes the budget plan "released by the White House on Thursday did not even claim to address taxes and entitlement programs; it focused exclusively on the \$1.1 trillion discretionary budget for fiscal



2018, both non-defense and defense. This emphasis only underscores the folly of keeping revenues and mandatory spending programs out of the discussion."

**"Headscarf Bans At Home And Abroad Only Separate And Penalize."** The [Washington Post](#) (3/16) editorializes that banning headscarves serves only to "separate and penalize," harming the individual and "society at large, which is better served by inclusiveness."

**"Rex Tillerson Is Becoming Secretary Silent."** The [Washington Post](#) (3/16) editorializes that "a closer look at [Rex] Tillerson's early conduct" as Secretary of State "suggests all is not normal." The Post says Tillerson's "appearance in Tokyo was the secretary's first news conference since starting the job" and he "has yet to deliver a speech outlining US policy." The Post adds that while Tillerson's "reticence may be suitable for an oil company chief executive," the "job of chief diplomat of the United States comes with a responsibility to be a voice for the policies of the president, and the values and principles of the nation."

### **Wall Street Journal.**

**"Trump's Revealing Budget."** In an editorial, the [Wall Street Journal](#) (3/16) writes that President Trump's budget proposal shows how drastic cuts will be needed if the government does not tackle entitlement spending.

**"Clearly The President Was Wrong."** In an editorial, the [Wall Street Journal](#) (3/16) argues that since no evidence of President Trump's wiretap claim has materialized, it would be wise for him to say he made the Twitter allegation in anger and then walk it back.

**"The Trump Legal Exception."** The [Wall Street Journal](#) (3/16) argues in an editorial that while President Trump's immigration order is bad policy, if the revised version had come from any President other than Trump, the judges would not have been so willing to intercede in US foreign affairs or to disregard Supreme Court precedent. Because it is Trump, the Journal opines, the judges are abandoning that reluctance in order to make political statements.

## **Big Picture**

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### **Headlines From Today's Front Pages.**

#### ***Wall Street Journal:***

[Trump Budget Likely To See Major Rewrite In Congress](#)

[Goldman Sachs Scoops Up Delinquent Mortgages](#)

[US Cities Battle Each Other For Jobs With \\$45 Billion In Incentives](#)

[Dutch Vote Sets Tone For Coming Elections In Europe](#)

#### ***New York Times:***

[Trump Takes A Gamble In Cutting Programs His Base Relies On](#)

[Campaign Pledges Haunt Trump In Court](#)

[Trump Budget Is Heavy Lift, Even For GOP Congress](#)

[Trump Digs In On Wiretap, No Matter Who Says Differently](#)

[While Scolding Trump, Mexico Seeks To Curtail Citizens' Rights](#)

[No Charges, But Harsh Criticism For De Blasio's Fund-Raising](#)

#### ***Washington Post:***

['His Only Sin Was Having The Same Name'](#)

[GOP Lawmakers Hit White House Budget Blueprint](#)

[Tillerson Says Diplomacy With North Korea Has 'Failed'](#)

[Trump Wields Budget Ax, But Federal Workers Hold Shields](#)  
[President's Words Threaten To Trip Up His Policies](#)

***Financial Times:***

[Mnuchin Says US Seeking No 'Trade Wars'](#)  
[Trump Slashes Spending On Environment And Aid](#)  
[Theresa May Rejects Calls For New Scottish Referendum](#)

***Washington Times:***

[Lawmakers Warn Judges Ruling On Travel Bans Against Exceeding Power](#)  
[Trump Makes Good On Campaign Vows, Cuts Budget For Unauthorized Programs](#)  
[Violent Protests Upend Left Wing's Peaceful Image](#)  
[German Business Concerned As Merkel Meets Donald Trump](#)  
[Trump Woos His Former Opponents In Bid To Repeal And Replace Obamacare](#)  
[Trump Budget Goes Big On Border Wall, Short On Agents](#)

***Story Lineup From Last Night's Network News:***

**ABC:** Trump-Obama Wiretap Claim; Trump-Budget Plan; Revised Immigration Order-Legal Challenge; Flynn-Russian Funds; Italia-Volcano Eruption; Weather Forecast; Shopping Mall Shooting Trial; US Gymnastics Sex Abuse; Birmingham Kidnap Suspect; Ski-Lindsey Vonn Falls; 9/11 Friendship Musical.

**CBS:** Trump-Obama Wiretap Claim; Flynn-Russian Funds; Healthcare Reform Plan; Trump-Budget Plan; Secretary Tillerson-Asia Visit; Italia-Volcano Eruption; Severe Weather-Farming; US Gymnastics Sex Abuse; Bystander Aides Police; Somalia Tanker Released; Giant Diamond Discovered; Pearl Harbor Survivor Turns 105; Second Grader Author.

**NBC:** Trump-Obama Wiretap Claim; Obama Wiretap Claim-Expert Comment; Trump-Budget Plan; Revised Immigration Order-Legal Challenge; US Gymnastics Sex Abuse; Utility Cyber Attack Threat; Gene Information-Privacy Concerns; Italia-Volcano Eruption; SNL-Nation Wide Coverage; 9/11 Friendship Musical.

***Network TV At A Glance:***

Trump-Obama Wiretap Claim – 11 minutes  
Trump-Budget Plan – 6 minutes, 35 seconds  
US Gymnastics Sex Abuse – 5 minutes, 50 seconds  
9/11 Friendship Musical – 3 minutes, 55 seconds  
Weather – 3 minutes, 10 seconds  
Revised Immigration Order-Legal Challenge – 2 minutes, 40 seconds  
Flynn-Russian Funds – 2 minutes, 35 seconds

***Story Lineup From This Morning's Radio News Broadcasts:***

**ABC:** Trump-Obama Wiretap Claim; Revised Immigration Order-Legal Challenge; Healthcare Reform Plan; Trump-Budget Plan.

**CBS:** Trump-Budget Plan; Healthcare Reform Plan; Trump-German Chancellor Meeting; US Gymnastics Sex Abuse; Severe Weather.

**FOX:** Trump-Budget Plan; Healthcare Reform Plan; Revised Immigration Order-Legal Challenge; New York EMT Killed.

**NPR:** Trump-Budget Plan; Trump-Obama Wiretap Claim; Disabled Veterans-Gun Purchase; New Jersey-Tax Return Bill; Secretary Tillerson-Asia Visit; Syria-Air Strike; Mexico-Deportee Jobs.

## Washington Schedule

### Today's Events In Washington.

#### White House:

PRESIDENT TRUMP — Meets with the Republican Study Committee; leads a listening session on Veterans' Affairs; leads a bilateral meeting with Chancellor Merkel of Germany; leads a roundtable discussion on vocational training with United States and German business leaders.

VICE PRESIDENT PENCE — Joins the President to participate in a listening session on veterans' affairs; joins the President to participate in a bilateral meeting with the Chancellor of Germany; joins the President to participate in roundtable discussion on vocational training with United States and German business leaders; participates in a bilateral meeting with the Costa Rican President.

**US Senate:** No votes scheduled in the Senate Location: TBD <http://www.senate.gov/>

**US House:** 9:00 AM House votes on bill on VA employee hiring and retention – House of Representatives meets for legislative business, with agenda including completion of consideration of 'H.R. 1367 – To improve the authority of the Secretary of Veterans Affairs to hire and retain physicians and other employees of the Department of Veterans Affairs, and for other purposes' Location: Washington, DC <http://www.house.gov/>

10:30 AM Tom Lantos Human Rights Commission hearing on the Rohingya in Burma – Tom Lantos Human Rights Commission hearing on 'Human Rights of the Rohingya People', on the human rights and humanitarian situation of the Rohingya people in Rakhine State in Burma (aka Myanmar) and along the Bangladesh border. Witnesses – Unitarian Universalist Service Committee President and CEO Tom Andrews, Fortify Rights co-founder and CEO Matthew Smith, U.S. Holocaust Memorial Museum Simon-Skjodt Center for the Prevention of Genocide Program Manager Andrea Gittleman, and ethnic Rohingya and community leader Mohamed Naeem – present testimony informed by recent travel to the state and the border, and offer recommendations for U.S. policy in the aftermath of the decision to ease economic sanctions late last year Location: Rm 2255, Rayburn House Office Bldg, Washington, DC <http://tlhrc.house.gov/> <https://twitter.com/TLHRCommission>

11:30 AM Dem Reps. Crowley, Sanchez, and Grisham speak following meeting with DHS Secretary Kelly – House Democratic Caucus Chairman Joe Crowley and Vice Chair Linda Sanchez and Congressional Hispanic Caucus Chairwoman Michelle Lujan Grisham hold media availability following meeting with Secretary of Homeland Security John Kelly Location: alcove behind HVC-215, U.S. Capitol, Washington, DC <http://www.dems.gov/> <https://twitter.com/HouseDemocrats>

**Other:** 6:30 AM National Review Institute 2017 Ideas Summit continues – National Review Institute 2017 Ideas Summit, 'Working on a Path Towards Conservatism' continues. Day two speakers include House Speaker Paul Ryan (11:10a), President's Senior Adviser Kellyanne Conway, Environmental Protection Agency Administrator Scott Pruitt and Dr Charles Krauthammer. Media must RSVP: Anna Walsh, [anna@pacepublicrelations.com](mailto:anna@pacepublicrelations.com). Location: Mandarin Oriental, 1330 Maryland Ave., Washington, DC [www.nationalreview.com](http://www.nationalreview.com) <https://twitter.com/nro>

7:15 AM National Lieutenant Governors Association 2017 Federal State Relations Meeting final day Location: Hotel Palomar, 2121 P St NW, Washington, DC <http://www.nlga.us/> <https://twitter.com/NLGA>

Karen Pence leads U.S. Presidential Delegation to the Winter Special Olympics in Austria – Second Lady Karen Pence leads U.S. Presidential Delegation to the 2017 Special Olympics World Winter Games in Austria, where they attend events including the Snowboarding Division Competition and the Opening Ceremony. Delegation also includes U.S. Charge d'Affaires to Austria Eugene Young, State Department Special Advisor to Transition Charles Glazer, President's Special



Assistant for Presidential Personnel Katherine Henderson, Tennessee First Lady Crissy Haslam, and former Special Olympics athlete Loretta Claiborne Location: Graz, Schladming, and Ramsau  
<http://www.whitehouse.gov/> <https://twitter.com/whitehouse>

## Last Laughs

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### Late Night Political Humor.

*Jimmy Kimmel:* "President Trump released his proposed budget today. The title of the budget is 'America First, A Budget Blueprint To Make America Great Again.' Seemed like while they were cutting things, they could have cut a few words out of that title."

*Trevor Noah:* "Four years from now, it's going to be like, 'Okay, Mr. President, this is attempt 57 at the travel ban.'"

*Trevor Noah:* "What is it with these villains and their hair? They all have the same looking hair. In Holland, it's Geert; in the UK, it's Boris; in the US, it's Trump. I'm not the only one who sees this. It's obviously what's going on here: We have been invaded by mind-controlling aliens who look like bad hair!"

*Jimmy Fallon:* "Last night, a federal judge in Hawaii blocked a second version of his travel ban, and now Trump says that he'll bring it to the Supreme Court. And if they block it, he said he's going to bring it to the Justice League."

*Seth Meyers:* "President Trump's proposed budget would cut funding for public broadcasting. Which may explain why Elmo is turning Tickles on the street now."

*Seth Meyers:* "McDonald's said today its corporate Twitter account had been hacked after a tweet went out calling President Trump a disgusting excuse of a President. I guess breakfast isn't the only thing they're serving all day."

*Seth Meyers:* "Hillary Clinton is reportedly still considering a run for mayor of New York City. And weirdly, this time she is campaigning in Michigan and Wisconsin."

*Seth Meyers:* "President Trump yesterday suggested that Chief of Staff Reince Priebus might someday run a car company. Oh, my God, does Trump think his name is Prius?"

*Seth Meyers:* "In an interview yesterday with Fox News, President Trump said he might not be President if it wasn't for Twitter. Dude, you said that to Fox News? That's like telling your dad that your hero is your friend's dad."

*Seth Meyers:* "New Jersey authorities are searching for a suspect who cut a hole in the wall of a Dunkin' Donuts and stole a safe. 'Oh, man, there's only cash in here,' said Chris Christie."

*Seth Meyers:* "Trump has done more in office the way a toddler helps out in the kitchen. He may be trying, but by the time he leaves, there is snot on the fridge and a shoe in the dish washer."

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**From:** Scott Hommel <(b) (6)>  
**Sent:** Tuesday, January 31, 2017 7:24 AM  
**To:** doug\_domenech@ios.doi.gov  
**Subject:** Fwd: Interior Transition Briefing for Tuesday, January 31, 2017

Begin forwarded message:

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**Date:** January 31, 2017 at 7:02:11 AM EST  
**To:** (b) (6)  
**Subject:** Interior Transition Briefing for Tuesday, January 31, 2017

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## INTERIOR TRANSITION BRIEFING

Produced by **Bulletin**  
INTELLIGENCE

**TO: SENIOR TRANSITION STAFF**

**DATE: TUESDAY, JANUARY 31, 2017 7:00 AM EST**

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## **About This Briefing**

Bulletin Intelligence is under contract to the Department of the Interior, since 2011, to provide the daily *Department of the Interior News Briefing*, and also produces separate custom services for the majority of Cabinet-level departments and agencies (e.g., the *Attorney General's News Briefing*). We provide this transition service until the inauguration, after which our existing long-term contracts generally permit incoming administration officials to customize their service to their unique requirements. Many of our daily services also include news-media and social-media data analytics. To add team members during the transition, or to learn more about the services, please email [Client Relations](#) or call (703) 483-6114.

## **DOI in the News**

## **Senate Committee To Vote On Perry, Zinke Nominations Today.**

[The Hill](#) (1/30, Henry) reports the Senate Energy and Natural Resources Committee today “will consider Ryan Zinke’s nomination to lead the Interior Department and Rick Perry’s nomination to be Energy Secretary.” Originally, the votes were scheduled “for last Tuesday.” Last week, a Senate aide indicated “the cancellation was due to a ‘misunderstanding’ between top committee lawmakers.” [Public Power Daily](#) (1/31, Anderson) reports neither Perry nor Zinke’s nomination “is viewed as particularly controversial.” A separate piece by [The Hill](#) (1/30, Cama, Henry) notes that some Democrats have “expressed concerns” about the candidates’ positions on a variety of issues.

Additional coverage was provided by the [Washington Post](#) (1/30), the “Morning Energy” blog of [Politico](#) (1/30, Adragna), [E&E Daily](#) (1/30), [CBS News](#) (1/30), and [KUIK-AM](#) Portland, OR (1/28).

**Alaska Gov. Walker Praises Zinke.** The [AP](#) (1/30) reports that Alaska Gov. Bill Walker on Monday “expressed renewed hope for working with the federal government on oil, gas and land issues, praising President Donald Trump’s pick to head the Interior Department as ‘just what we need.’” Walker said Zinke “understood the challenges Alaska has had with access to federal lands for things like resource development.” He said, “I think we’re going to have a very, very different relationship, certainly with the Department of Interior and what they oversee.”

**Cattlemen’s Beef Association And Public Lands Council Support Confirmation Of Zinke.** The [High Plains and Midwest AG \(KS\) Journal](#) (1/30) reports that the National Cattlemen’s Beef Association and the Public Lands Council released a statement on Jan. 16 in support of the confirmation of Rep. Ryan Zinke as secretary of interior. Tracy Brunner, NCBA president, said, “During his tenure in the U.S. House of Representatives, Rep. Zinke has consistently advocated for our western communities, economies, and ranchers. He has demanded transparency and the inclusion of stakeholders when it comes to land management decisions, and has a strong understanding of the challenges that come with stewarding the West.” Dave Eliason, PLC president, added, “The current leadership of the Department of Interior refuses to stand up for the very people who have invested their time and livelihoods into the management and improvement of public lands. Having a Secretary of Interior who understands public lands, and who values true cooperation with stakeholders is in the best interest of all Americans. We are excited for Representative Zinke to refocus the agency’s efforts to their core mission, and to have someone in this role that understands the unique challenges we face in the West.”

## **Zinke Elaborates On Ethics, Energy, Public Lands Positions.**

[E&E](#) (1/30) reports that ahead of the Senate Energy and Natural Resources Committee’s vote Tuesday on Interior secretary nominee Ryan Zinke, “the Montana Republican lawmaker disclosed to the committee that a super political action committee he was once affiliated with is under investigation and reaffirmed his opposition to turning federal lands over to states.” Zinke also “told Sen. Debbie Stabenow that he supports transferring the Forest Service from the Agriculture Department to Interior – a position that he noted the Michigan Democrat had ‘concerns’ with when they met privately.” Zinke also “elaborated on his views on energy development, climate change and science, fire management, endangered species, and other hot-button issues in his responses to questions for the record submitted by committee members.”

## **Bernhardt Seen As Frontrunner To Become Interior Deputy Secretary.**

[E&E](#) (1/30) reports that “a high-ranking George W. Bush administration Interior Department lawyer could soon be making a comeback as the agency’s No. 2 official.” David Bernhardt, “who

served as the department's top attorney under Bush and worked on the Trump transition team, is the front-runner to become Interior's next deputy secretary, according to a source close to the Trump administration." Bernhardt was "in charge of Trump's Interior transition team for a short time after the November presidential election but was replaced as that team's leader later that month by Doug Domenech, another Bush-era Interior Department staffer."

### **Trump Orders Elimination Of Two Regulations For Every New One.**

[USA Today](#) (1/30, Korte) reports that President Trump on Monday signed an executive action he said will "knock out two regulations for every new regulation" federal agencies adopt. Trump called the action "the largest cut by far, in terms of regulation," in history and said the policy was targeted at small business. Trump said, "There will be regulation, there will be control, but there will be normalized control where you can open your business and expand your business." USA Today adds that directive's text "was not immediately available, and it was unclear how the two-for-one mechanism would work." [Reuters](#) (1/30, Rascoe) says Trump's action "will prepare a process for the White House to set an annual cap on the cost of new regulations." For the remainder of the fiscal year, "the cap will require that the cost of any additional regulations be completely offset by undoing existing rules." Trump [tweeted](#), "The American dream is back. We're going to create an environment for small business like we haven't had in many, many decades!" He [re-tweeted](#) the post on the @POTUS Twitter account.

While a [Wall Street Journal](#) (1/30) editorial praises the order, arguing that it could lead to job creation and new investment, a number of reports highlight the difficulty Trump may face in putting it into action. For example, [Politico](#) (1/30, Restuccia) said that while Trump's aides cast the move as "the most significant regulatory reform effort in decades," implementing it "isn't as simple as Trump's flashy 'one in, two out' slogan suggests." According to Politico, the order "could take months, if not years, to implement and likely faces costly court challenges." [Bloomberg Politics](#) (1/30, Dlouhy) similarly says that "fulfilling the promise...may prove more difficult than signing an order." Eliminating a regulation "involves months of work that can include vetting multiple rule drafts and reacting to thousands or even millions of comments from industries, trade groups and individuals." Moreover, the process "can be challenged with a lawsuit by aggrieved parties."

***Trump's Two For One Regulation Rule Concerns Policy Experts.*** The [Minneapolis Star Tribune](#) (1/30) reports Trump's executive order mandating the repeal of two regulations for every new one instituted has concerned policy experts. "There's no logic to this," says William Gale, a tax and fiscal policy expert at the Brookings Institution. The order also caused concerns among environmental groups who fear the order will be used to roll back environment and climate regulations. Trump claims the rollback will help small and medium sized business. He further stated he would like to remove 75 percent of existing regulations.

***Trump's Two-For-One Order Could Put Endangered Species At Risk.*** The [Idaho Statesman](#) (1/30) reports Trump's executive two for one order could delist the Yellowstone grizzly from the endangered species list. The order forces the Office of Management and Budget to calculate the cost of each regulation and requires new rules to create a "net economic benefit." Brett Hartl, director of Government Affairs at the Center for Biological Diversity, says, "Every time you repeal a rule, you are passing a rule." The Trump White House also told agencies not to issue new regulations without having a Trump appointee review the rule first – a difficult task when many posts have yet to be filled.

### **House To Vote On Public Land, Cybersecurity Bills This Week.**



[E&E](#) (1/30) reports that the House this week will “vote on a series of bills addressing land and cybersecurity concerns, including a measure authorizing research into adding Fort Ontario to the National Park System.” According to the article, “the special resource study called for in H.R. 46 would evaluate the national significance of the site, which was destroyed by French forces in 1756 and rebuilt.” The bill orders “the Interior secretary to issue a report no later than three years after funding becomes available that would include the costs of alternative means for preservation of the area, which is on the National Register of Historic Places.”

### **Federal Hiring Freeze Sparks Concerns About Seasonal Firefighters.**

The [Idaho Statesman](#) (1/30) reports that President Trump’s federal hiring freeze “does have national security and public safety exceptions that appear to cover firefighters.” However, “it’s been a week, and federal agencies are still looking for details.” The Statesman notes that “agencies are compiling lists of what positions meet the national security and public safety exemptions, and most expect firefighting to easily fall into that category, said sources in the Department of Agriculture and Interior.”

### **Hundreds Rally For Public Lands In Montana.**

The [Bozeman \(MT\) Daily Chronicle](#) (1/30) reports that “about 700 people” gathered Monday at a rally for public lands in Helena, Montana. According to the article, “speakers railed against land transfer and talked about how important public lands are to both the state’s economy and everyday life.” Interior nominee Ryan Zinke “was also on the menu at the rally, as some of the speakers called on him to ensure public lands in Montana remain public under his watch.”

Additional coverage was provided by the [Billings \(MT\) Gazette](#) (1/30).

### **Felbab-Brown: Trump Should Be Questioned Continuously Over Constructing A Border Wall.**

For the “Pundits” blog of [The Hill](#) (1/30, Felbab-Brown, Contributor), Vanda Felbab-Brown, a Senior Fellow in foreign policy at The Brookings Institution, writes that President Trump’s rhetoric against Mexico last week demonstrated “the shallowness of his concept of the wall, its costs, and how they will be financed and borne.” She argues that the public, press, and members of Congress need to continuously ask the President about the cost of his proposed wall and all assumptions on which the plan is based. She points out the estimated cost of the wall ranges from a little as \$12 billion up to \$285 billion.

## **National Park Service**

### **Ex-NPS Director Accuses Administration Of Trying To “Suppress” Agency.**

The [Washington Post](#) (1/30, Rein, Eilperin) reports that ex-National Park Service Director Jonathan Jarvis, who retired earlier this month, “spoke out Monday against the Trump administration’s efforts to ‘suppress’ the agency, posting a lengthy statement on a Facebook site for park rangers in support of employees.” Writing on the Facebook page of the Association of National Park Rangers, Jarvis said, “I have been watching the Trump administration trying unsuccessfully to suppress the National Park Service with a mix of pride and amusement.” Jarvis “was referring to the communications blackout the administration ordered last week at the Park Service and other agencies restricting what they should convey to the public about their work.”

### **“WoofieLeaks” Leads To Delay Of Dog Rules At Golden Gate National Recreation Area.**



The [Washington Post](#) (1/30, Bittel) reports that “dog owners have been fighting the National Park Service for years over a proposal to restrict dog-walking” within the Golden Gate National Recreation Area. Recently, “one of the groups opposed to the new rules upped the ante, filing Freedom of Information Act requests for Park Service emails about the plan and posting them this month on a website.” According to Save Our Recreation, “the pro-dog group that created WoofieLeaks, the FOIA-ed communications show Park Service bias against dog enthusiasts.” Following the “leaks,” officials with the recreation area “announced this month that implementation of the new dog-walking rules would be delayed indefinitely” and “the Park Service also is planning an investigation.”

### **Lowell National Historical Park Recieves \$25,000 Grant To Increase Trail Usage.**

The [Lowell \(MA\) Sun](#) (1/30) reports that the Lowell National Historical Park has “received a \$25,000 grant in an initiative meant to get residents living near the park to use its trails.” The grant from the National Park Foundation will “engage more than 250 residents in activities like hiking, birding, photography, canal cleanups, learning about botany and ecology, and stress-reducing activities, such as yoga and meditation.”

### **NPS Seeks Public Comments On Isle Royale Wolves.**

The [AP](#) (1/30) reports that “federal officials are inviting the public to learn more about options for dealing with the declining gray wolf population at Isle Royale National Park in Michigan.” The National Park Service has “scheduled open houses for Feb. 14 in Duluth, Minnesota, and Feb. 15 in Houghton, Michigan.” Also, “for those who can’t attend, webinars are scheduled for Feb. 16 and Feb. 21.”

Additional coverage was provided by [WWTV-TV](#) Cadillac, MI (1/30).

### **NPS Seeks Public Input On Monocacy Battlefield Access.**

The [AP](#) (1/30) reports that the National Park Service is “soliciting public comment on a plan to add eight miles of pedestrian trails and a kayak launch to the Monocacy (mah-NAH’-kah-see) National Battlefield near Frederick.” The environmental assessment, which was released Friday, is “open for review through Feb. 28.” According to park Superintendent Chris Stubbs, “the plan would enable more visitors to walk in the footsteps of soldiers who fought there on July 9, 1864.”

## **Fish and Wildlife Service**

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### **Former Trump Advisor Calls For Overhaul Of Endangered Species Act.**

The [Independent \(UK\)](#) (1/30, Batchelor) reports that “a senior member of Donald Trump’s now-defunct transition team has called for the US Endangered Species Act to be drastically watered down, claiming it doesn’t actually protect wildlife.” Myron Ebell, “who led a team tasked by the Republican billionaire with drafting an action plan to overhaul the Environmental Protection Agency (EPA), said the legislation was being used as a ‘political weapon’ and many of its policies should be scrapped.” Speaking in London on Monday, Ebell said: “The endangered species act doesn’t do much for protecting endangered wildlife, but it does a huge amount to control private property land use, and it is enforced very selectively, so that some landowners are not affected but people with exactly the same habitat, their use is limited or eliminated.” He continued, “It is a political weapon and I am very interested in reforming, and I don’t know if we will see that any time in the next decade, but I hope so.”

## **Environmental Group Files Suit Over PolyMet Land Swap.**

The [Virginia \(MN\) Mesabi Daily Tribune](#) (1/30) reports that “an environmental group officially filed a lawsuit to block the federal government’s land exchange with PolyMet, a crucial step in the company’s attempt to build a copper-nickel mine near Hoyt Lakes.” WaterLegacy filed the suit Monday in U.S. District Court, “seeking to overturn a 6,560-acre land swap, which the group says ‘violated the Federal Land Policy and Management Act because it failed to consider the highest and most profitable use of the lands for mining related uses, significantly undervalued the federal lands, and would result in a windfall for the PolyMet foreign corporation at the expense of Minnesota taxpayers and public lands.’” Meanwhile, the Center for Biological Diversity and Earthworks has “filed a formal 60-day notice of intent to sue the U.S. Fish and Wildlife Service and U.S. Forest Service under the Endangered Species Act, saying the project would disrupt lynx and wolf habitats.”

## **Additional Coverage: Lesser Long-nosed Bat Could Be Removed From Endangered List.**

Additional coverage that the lesser long-nosed bat is proposed for removal from the endangered species list was provided by [Courthouse News](#) (1/30).

## **Bureau of Land Management**

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### **Bundy Standoff Trial Puts Spotlight On Western Land Fight.**

The [Reno \(NV\) Gazette-Journal](#) (1/30) reports that “the fight over America’s public lands is lurching back to the national spotlight.” Nevada rancher Cliven Bundy, his sons Ryan and Ammon Bundy and “compatriots will stand trial in February in federal court over their 2014 armed standoff with the U.S. Bureau of Land Management.” Meanwhile in Congress, “legislative proposals could upend who’s in charge of tens of millions of acres of federal land across the West.” According to the article, “the trial will force participants to relive the tense moments when federal agents and armed Bundy sympathizers narrowly averted a shootout after the BLM tried to seize the Bundys’ cattle over unpaid grazing fees,” and “that tension will carry over into Congress, where conservationists, hunters, miners, energy developers, recreationists and rural communities are rallying behind the forces they believe will defend their version of the American West.”

### **Aerial Project Will Reseed 10,000 Acres Of Burned Rangeland.**

The [AP](#) (1/30) reports that “state and federal land managers launched an aerial reseedling effort to stabilize and rehabilitate more than 10,000 acres of public land burned by wildfires in eastern Nevada last year.” According to the article, “the work started last week and was expected to improve habitat for threatened sage grouse and other wildlife as well as boost the overall health of watersheds.” Officials with the U.S. Bureau of Land Management and Nevada Department of Wildlife were “concentrating the effort in Elko, Eureka and White Pine counties.”

## **Onshore Energy Development**

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### **Congress Poised To Target Obama-era Environmental Rules.**

The [Washington Post](#) (1/30, Harvey) reports that Republicans in Congress this week may target “a regulation finalized in mid-November that seeks to curb fugitive methane emissions from oil and gas drilling operations on public lands” and a rule that “prohibits coal-mining companies from engaging in any activities that could permanently pollute streams.” Resolutions to disapprove of

the two Obama actions are already scheduled for this week and the rules are poised for elimination under the Congressional Review Act.

The [AP](#) (1/30, Taylor) reports Congressional Republicans are moving swiftly, with the repeal measure “set for a House vote Wednesday and a Senate vote shortly thereafter.” [Politico Pro](#) (1/30) reports that “on Wednesday, the House is slated to vote on whether to nullify the Interior Department’s stream protection rule.” The Senate hasn’t “definitively said when it’ll take up the challenges, but Majority Leader Mitch McConnell plans to use time in between floor votes on Cabinet nomination to consider CRA resolutions.”

[E&E](#) (1/30) reports that Republican lawmakers are “calling on state leaders and the energy industry to craft alternative methane rules for oil and gas operations on public lands.” GOP legislators on Monday were set to “begin the process of repealing a pair of Interior Department regulations.” House Natural Resources Chairman Rob Bishop expected to introduce a joint resolution “that would use authority granted under the Congressional Review Act to undo federal regulations enacted within the last 60 legislative days.”

Additional coverage was provided by [The Hill](#) (1/30, Devaney, Wheeler), [NPR](#) (1/30), [Reuters](#) (1/30), [The Hill](#) (1/30, Henry), the [Washington \(DC\) Times](#) (1/30, Wolfgang), [PBS NewsHour](#) (1/30), the [Billings \(MT\) Gazette](#) (1/30), the [Casper \(WY\) Star-Tribune](#) (1/30), the [West Virginia MetroNews](#) (1/30), [WDTV-TV Bridgeport \(WV\)](#) Bridgeport, WV (1/30), and [WTVW-TV Evansville \(IN\)](#) Evansville, IN (1/30).

**Colorado Methane Regulations Helped Grow Economy.** [ClimateWire](#) (1/30) reports that House Republicans began to repeal an Interior Department directive to cut methane from oil and gas wells on federal lands, calling it a “bad rule” and “regulatory overreach.” However, a few years earlier, oil and gas companies sat down with environmentalists in Colorado to develop a set of regulations for methane. Proponents say that the similar rule in Colorado has led to reduced methane leaks and created economic growth for the state. Supporters, including industry and environmentalists, say the GOP move to repeal the similar federal regulations could halt the economic growth of the methane mitigation industry.

### **North Dakota Warns Paid Pipeline Protesters To Submit State Income Taxes.**

The [Washington Times](#) (1/30, Richardson) reports North Dakota Tax Commissioner Ryan Rauschenberger said his office expects to see state income tax submissions from activists paid to agitate the Dakota Access pipeline protest. Rauschenberger asserted that authorities are “looking at the entities that have potential paid contractors here on their behalf doing work.” He explained, “If an organization is directly paying someone to come and do activities on their behalf, even protesting,” or were “receiving income” while in “North Dakota performing activities for an organization, they owe income tax from Day One.” The state spent more than \$22 million in expenses related to the protest; meanwhile, “millions have been funneled into the six-month-old demonstration via crowdfunding websites” and at least 30 environmental organizations, including Greenpeace and the Sierra Club, are known to have supported the demonstration. If these environmental organizations paid protesters, however, they are “not saying so publicly.”

## **Native American Communities**

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### **Native Americans Concerned About Trump Administration Plans For Reservations.**

The [High Country \(CO\) News](#) (1/30) reports North Dakota lawmakers are pushing to have greater control over Native American reservations. With the new Trump Administration, some feel as if their services will be cut or eliminated. To survive the Trump Administration, some feel that they

need to cozy up to state and local authorities as a way to fill gaps in services that may inevitably form.

### **California County Sues Over 1,400 Trust Acres For Tribe.**

[Law360](#) (1/30) reports that “the county of Santa Barbara sued the Bureau of Indian Affairs in California federal court on Saturday to challenge a decision taking more than 1,400 acres of land into trust for the Santa Ynez Band of Chumash Indians for tribal housing and economic development, claiming the decision flouted trust acquisition regulations and environmental law.”

### **Feds Contest Arapaho Contract Claims In Shoshone Row.**

[Law360](#) (1/30) reports that “the federal government on Friday shot back at the Northern Arapaho Tribe’s claim that the Bureau of Indian Affairs improperly rejected proposals to operate a tribal court and offer counseling services under federally funded contracts, saying the tribe has submitted proposals for contracts without seeking the consent of another tribe that shares its Wyoming reservation.”

## **Office of Insular Affairs**

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### **Court Approves Extension Of Deadline In CUC Authorization To Proceed.**

[Marianas Variety](#) (1/31) reports that “District Court for the NMI designated Judge David Carter granted the request of the Commonwealth Utilities Corp. and the federal government to extend the deadline for the CNMI government to file its notice of authorization to proceed with the \$5 million funding for stipulated order 2 projects on or before March 1, 2017.” According to the article, “the CNMI must deposit \$5million into the court’s registry or file a notice with the court regarding the Department of the Interior’s authorization to proceed for funding SO2 projects by Feb. 1, 2017.”

### **Additional Coverage: OIA Transmits \$31.5M In Compact Funding To Marshall Islands.**

Additional coverage that the Office of Insular Affairs has “released to the Marshall Islands government’s Ministry of Finance Compact payments totaling \$31,503,897 for the period Oct. 1, 2016, to Dec. 31, 2016” was provided by the [Saipan \(MNP\) Tribune](#) (1/31).

## **Water Challenges**

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### **Deteriorating Relations With Mexico Could Threaten Colorado Water Talks.**

[E&E](#) (1/30) reports that “President Trump’s rocky relations with Mexico could have major consequences for the Colorado River and the 35 million Americans who rely on it for water.” A bilateral agreement, which “specifies exactly how much water Mexico receives, as well as other important factors like how those deliveries are reduced in years of exceptional drought,” is set to expire this year. The article says that “the seven Colorado River Basin states — and particularly Lower Basin states Nevada, Arizona and California — say it’s pivotal that the new administration finalize a new agreement.” However, “many are now worried that U.S.-Mexico relations have already deteriorated to the point where that may be impossible.”

## **Top National News**

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### **Trump Fires Acting Attorney General After She Refuses To Defend Visa Ban.**

President Trump's evening dismissal of Acting Attorney General Sally Yates, an Obama Administration holdover, over her defiance of his visa ban is being portrayed as the latest indicator of the fast-moving and chaotic nature of the ongoing story. The firing took place hours after Yates said she would not direct the DOJ to defend the ban, a highly unusual statement that was itself the focus of considerable coverage, which was quickly updated after Trump dismissed her from her job – which she was holding only until Sen. Jeff Sessions' Senate confirmation. With the acting head of Immigration and Customs Enforcement also dismissed late Monday, some outlets even reference the Watergate-era "Saturday Night Massacre," when Richard Nixon dismissed top DOJ officials – a comparison that was also [being made on Twitter](#).

[Reuters](#) (1/30) reports that Trump fired Yates "after she took the extraordinarily rare step of defying the White House and saying the Justice Department would not defend" his visa ban. US Attorney for the Eastern District of Virginia Dana Boente was named acting attorney general and promptly reversed Yates' guidance. The [New York Times](#) (1/30, Landler, Sanger) said the firing was part of "an escalating crisis for his 10-day-old administration." In a statement, Trump said that Yates "had betrayed the administration."

[McClatchy](#) (1/30, Allam) reports that Boente was sworn in as acting attorney general at 9:00 p.m. Monday. In a statement, Boente said, "I am honored to serve President Trump in this role until [Attorney General-designate] Sessions is confirmed. I will defend and enforce the laws of our country to ensure that our people and our nation are protected." McClatchy says the "rapid late night developments recalled the 'Saturday Night Massacre' in 1973, when President Richard Nixon fired his attorney general and deputy attorney general over their refusal to dismiss Watergate prosecutor Archibald Cox."

[USA Today](#) (1/30, Johnson) says the "ouster came just hours after Yates said she would not defend" the executive order. A White House statement that USA Today says "appeared to be in Trump's own voice" said, "Ms. Yates is an Obama administration appointee who is weak on borders and very weak on illegal immigration." The [Los Angeles Times](#) (1/30, Lauter, Kaleem) says Trump had initially asked Yates, "a career prosecutor who served as the Obama administration's deputy attorney general," to "stay on as acting attorney general pending the confirmation" of Sessions. Earlier in the day Monday, Trump criticized the delay in confirming Sessions [on Twitter](#), calling Yates "an Obama A.G."

The [AP](#) (1/30, Pace) says that while Yates' directive was likely to have been temporary, it "deepened the chaos surrounding Trump's order. At least three top national security officials" – DHS Secretary Kelly, Defense Secretary Mattis, and Secretary of State-designate Tillerson – "have told associates they were not aware of details of directive until around the time Trump signed it. Leading intelligence officials were also left largely in the dark," and Senate Foreign Relations Chairman Bob Corker "said that despite White House assurances that congressional leaders were consulted, he learned about the order in the media." The [Washington Post](#) (1/30, Zapotosky, Horwitz, Berman) says Yates' refusal had marked "a stunning dissent to the president's directive from someone who would be on the front lines of implementing it."

The [Washington Post](#) (1/30, Horwitz) has a profile of Yates, who "began her tenure as an Obama appointee two years ago by saying that pursuing justice was more important to her than bringing federal cases in court." The [Washington Post](#) (1/30, Rucker, Costa) also writes that Sessions' "fingerprints" were "on nearly all" of Trump's executive orders thus far, and "his influence in the administration extends far beyond the Justice Department." Sessions "is the intellectual godfather of the president's policies," and "reach extends throughout the White House."



The [Boston Globe](#) (1/30, McGrane, Viser) calls Yates' defiance and dismissal "an extraordinary series of events," while the [Washington Times](#) (1/30, Dinan) says the firing "capp[ed] off a dramatic day." Before the firing, Pete Williams reported on [NBC Nightly News](#) 📺 (1/30, story 3, 2:15, Holt), "Justice Department lawyers defended the orders in court over the weekend but tonight Acting Attorney General Sally Yates...tells them to stop defending it. She says the order is not consistent with justice or doing what's right." [ABC World News Tonight](#) 📺 (1/30, story 7, 1:20, Muir) and the [CBS Evening News](#) 📺 (1/30, story 12, 2:05, Pelley) also mentioned Yates' stance as part of broader coverage. [Bloomberg Politics](#) (1/31, Strohm) and [Politico](#) (1/30, Gerstein) also have reports.

**ICE Acting Director Also Replaced.** [McClatchy](#) (1/30, Murphy) reports Trump "also replaced the acting director of the Immigration and Customs Enforcement on Monday." The President "did not give a reason for replacing" Daniel Ragsdale. The [AP](#) (1/30) reports Ragsdale was replaced by Thomas Homan, who since 2013 has "served as the executive associate director of ICE Enforcement and Removal Operations." The [Washington Times](#) (1/30, Morton) reports DHS Secretary Kelly said of Homan, "I am confident that he will continue to serve as a strong, effective leader for the men and women of ICE." [The Hill](#) (1/30, Hensch) and the [Huffington Post](#) (1/30) also have brief reports.

**Trump Names Duke DHS Deputy Secretary.** In related news, the [Washington Times](#) (1/30, Dinan) reports Trump on Monday named Elaine Duke as the DHS deputy secretary. The Times says the selection of the "little-known bureaucrat," who has "a long history in government management," disappointed some "immigration crackdown advocates who'd been anticipating a more prominent figure."

**Massachusetts, Washington State Plan Legal Challenges.** [Politico](#) (1/30, Dezenski) reports that Massachusetts Gov. Charlie Baker, a Republican, "said Monday that State Attorney General Maura Healey plans to file a brief in US federal court in Boston Tuesday arguing against President Donald Trump's executive order restricting immigrants from seven Muslim-majority countries." [Politico](#) (1/30, Conway) additionally reports that Washington State Attorney General Bob Ferguson will file a federal lawsuit against Trump, DHS, and Administration officials over the visa ban, "charging that the executive order is unconstitutional, his office announced Monday. In a separate motion, he will also request to halt the implementation immediately on the basis that it is harming the economy and families in Washington."

## **White House Defends Immigration Order In Face Of Vocal, Widespread Opposition.**

President Trump's executive order on immigration receives heavy media coverage including extensive coverage on the network news broadcasts and pervasive print and online reporting. The coverage is very negative toward the Administration – which is, nonetheless, described as standing firm (or "defiant," as some news outlets put it) in the face of protests and criticism from lawmakers of both parties, the media, businesses, and others.

The lead story for [NBC Nightly News](#) 📺 (1/30, lead story, 3:10, Holt) described Trump as "defiant and digging in...amid a mounting firestorm over his travel ban." Trump is "aiming to put a positive spin on a weekend of chaos and outrage" during which "protests erupted at airports all across the country as more than 100 people were detained." The [Washington Post](#) (1/30, Berman, Zapotosky), which also describes the White House as "defiant," similarly reports that "despite mounting criticism, legal challenges and questions that stretched from Capitol Hill to the United Nations," Trump continued to "adamantly defend" his immigration order. [USA Today](#) (1/30, Bacon) says the "massive protests that swept the nation" have "encouraged advocacy groups to press their case on other issues."



[ABC World News Tonight](#) 📺 (1/30, lead story, 3:50, Muir) also reported in its lead story that Trump's order sparked "protests coast to coast at airports across the country," but added (Karl) that the Administration is "pushing back against stories of chaos and confusion. Families detained in airports. Customs and Border Patrol officials unclear on how to enforce the new policy. Terminals turned into makeshift legal aid clinics, with lawyers offering their services to travelers impacted by the ban."

The [New York Post](#) (1/30, Moore) says Trump "stood firm" in the face of the criticism, and [USA Today](#) (1/30, Bacon) describes Trump as "unyielding...in his position that the ban was for the good of the country." But the [AP](#) (1/30, Caldwell) says that while Trump "has staunchly defended his order," in "a statement Sunday and tweets Monday, Trump misstated the facts multiple times." The AP goes on to compare "what Trump said and how it compares with the facts."

Under the headline "Sean Spicer Defends Trump's Immigration Ban," the [New York Post](#) (1/30, Moore) quotes the White House press secretary as saying, "We're going to put the safety of Americans first. We're not going to wait until we get attacked and figure out how it's going to happen again. ... That's the key point in this: How do we keep ahead of threats." Spicer added, "This is why the majority of Americans agree with the president. ... These steps are frankly common-sense steps to make sure we're never looking at the rear-view mirror asking, 'We should have done something.' ... His view is not to wait to get ahead of the curve. We don't know when that hour comes. We don't know when the individual comes to do us harm." At the same time, [Reuters](#) (1/30) cites an internal DHS document which says the US "has granted waivers to let 872 refugees into the country this week," despite Trump's order. A DHS official confirmed the waivers, but Reuters says it "was not known if additional waivers would be granted, the official said."

[Roll Call](#) (1/30, Bennett) said "chaos ensued" at US airports as Customs and Border Patrol agents "detained 109 individuals between late Friday afternoon and Sunday evening as they tried to enter the country after getting off international flights." The White House argued that "being detained for a few hours during an intensive security check is outweighed by the possibility of getting to live in the United States for the rest of one's life." Meanwhile Trump "tried to deflect blame for weekend 'problems' at US airports by pointing the finger at Senate Minority Leader Charles E. Schumer," who "appeared in New York over the weekend with refugees, at one point getting emotional." Trump argued in a [two part](#) tweet that the "causes of the 'big problems' includes 'the tears of Senator Schumer.'" In addition, he "seemed to defend the airport chaos by [tweeting](#) there's 'nothing nice' about trying to stop 'terrorists' from entering the United States." In its lead story, [NBC Nightly News](#) 📺 (1/30, lead story, 3:10, Holt) showed Trump saying, "Chuck Schumer yesterday with fake tears. I'm going to ask him who was his acting coach."

Gerald F. Seib writes in the [Wall Street Journal](#) (1/30) that Sen. John McCain, who has shown a willingness to defy Trump, has called the order a recruiting boon for ISIS. Nancy Cordes reported on the [CBS Evening News](#) 📺 (1/30, story 2, 1:50, Pelley) that while Democrats "may have been the loudest...many Republicans like Pennsylvania's Charlie Dent were just as critical." Rep. Charlie Dent: "It was not well thought out. It was not properly considered." Schumer "tried to capitalize on GOP discontent today by introducing a bill to reverse the travel ban," but it was "quickly blocked by Republicans who support the executive order." The [Washington Post](#) (1/30, O'Keefe)says that Senate Democrats on Monday "sought to quickly pass legislation that would rescind Trump's ban, but there was insufficient GOP support." [Reuters](#) (1/30, Zengerle) reports that while Sen. Dianne Feinstein "said she had 27 co-sponsors of a bill to rescind the order," Sen. Tom Cotton "blocked consideration of the measure." [Politico](#) (1/30, Caygle, Schor) said the failed effort "underscor[ed] the limits of the minority's power to force substantive changes to the policy that sparked massive protests over the weekend."

In a separate story, [Politico](#) (1/30, Caygle) said DHS Secretary Kelly will meet with House lawmakers on Tuesday. According to Democratic sources, "more than a dozen chief House lawmakers are invited to the meeting," including, "House Speaker Paul Ryan (R-Wis.), House Majority Leader Kevin McCarthy (R-Calif.), House Minority Whip Steny Hoyer (D-Md.) and several other lawmakers who lead committees with ties to the refugee ban."

The [Detroit Free Press](#) (1/30, Snavely, Bomey) reports that while "other major automakers have largely remained silent so far," Ford CEO Mark Fields and Ford Chairman Bill Ford "strongly rebuked" Trump's order, saying in a joint statement Monday, "Respect for all people is a core value of Ford Motor Company, and we are proud of the rich diversity of our company here at home and around the world. ... That is why we do not support this policy or any other that goes against our values as a company." The Free Press says that "a number of technology companies – including Apple, Alphabet, Facebook and Lyft – have issued statements or taken other action over the weekend in opposition to the travel ban," but Ford "is the first major automaker to take a clear position." [USA Today](#) (1/30, Bomey) says the statement from Ford "further complicates the on-again, off-again relationship between" the company and Trump.

The [CBS Evening News](#) 📺 (1/30, story 6, 0:20, Pelley) also said that "some of the largest tech companies have come out against the President's immigration ban," and the [New York Times](#) (1/30, Wingfield, Wakabayashi) reports that Amazon and Expedia on Monday "stepped up their opposition to the order with filings that were part of a lawsuit in federal court against the Trump administration, arguing that the order will hurt their businesses." the tech firms' move represents "an escalation of the technology industry's efforts to push back on the order."

[Politico](#) (1/30, White) said that following "a weekend of criticism from Silicon Valley, Wall Street chief executives began to join their tech colleagues in criticizing Trump's move." Goldman Sachs CEO Lloyd Blankfein said in a voicemail Monday to bank employees, "This is not a policy we support. ... I recognize that there is potential for disruption to the firm, and especially to some of our people and their families." In an email to employees on Sunday, JPMorganChase chief executive Jamie Dimon, "reassured workers of the 'unwavering commitment to the dedicated people working here' including those on sponsored visas possibly hit by the executive order." Politico also highlighted criticism of Trump's order from GE CEO Jeffrey Immelt, Tesla CEO Elon Musk and Starbucks CEO Howard Schultz.

The Washington Post's opinion page is also highly critical of Trump's order. A [Washington Post](#) (1/30) editorial warns of the "grave potential consequences of an order that's wrong ethically and strategically." Richard Cohen writes in his [Washington Post](#) (1/30) column that the Trump Administration is "inept and indifferent to the suffering it might cause," adding that "if a new policy is needed, Trump's people have no idea of how to implement it and the White House seems similarly oblivious to the damage it is doing to the United States' image." Eugene Robinson takes a similar line in his [Washington Post](#) (1/30) column, calling the "refugee ban and travel restrictions" a "disgraceful exercise in cruelty" that "do nothing to make us safer — and may, in fact, make us less safe — but they punish Muslims, and that is his whole point."

The reaction to Trump's order was not universally negative, however. The [New York Times](#) (1/30, Tavernise) says that while the order "may be setting off protests around the country and raising eyebrows and objections among allies abroad," a "large portion of the electorate is behind the president." Trump supporters "say that the promise of tougher immigration policies is one of the main reasons they voted for him," and the order, "along with an earlier one for building a wall, shows that he is serious, they say."

A separate [New York Times](#) (1/30, Bromwich) story says that in “those precincts that Mr. Trump carried in the November election,” the order “was often met with satisfaction and approval,” and the protests “were viewed as misguided and a source of irritation.”

***Quinnipiac, Rasmussen Polls Show Support For Trump’s Policy.*** The [CBS Evening News](#) 📺 (1/30, story 5, 1:45, Pelley) reported that a Quinnipiac University poll taken three weeks ago found that “by margin of 48 percent to 42 percent, American voters support suspending immigration from terror-prone regions, even if it means turning away refugees,” and “53 percent support requiring immigrants from Muslim countries to register with the government.” CBS (Reynolds) added that Trump supporters gathered at Los Angeles International Airport over the weekend to “voic[e] their belief that the President’s immigration order is sensible and overdue.” In addition, the [Washington Times](#) (1/30, Dinan) reports that a new Rasmussen Reports [poll](#) released Monday found that a “majority of voters back the concept of halting admissions from seven terrorist-connected countries,” and “general broad support for the kind of executive order President Trump signed on Friday.” According to the poll 56 percent said that “a pause in visas for Syria, Sudan, Iraq, Iran, Yemen, Somalia and Libya makes sense.”

In his “Talking Points Memo” segment on [Fox News’ The O’Reilly Factor](#) 📺 (1/30), Bill O’Reilly said that Trump “is being responsible, setting up a new refugee standards” provided that the standards “are fully explained and expedited in a timely manner.” O’Reilly added that the Administration “must be willing to grant exceptions and above all, should help refugees that survived in the terror zones abroad.” While “protecting Americans is obviously priority number one,” the “nobility of our nation demands we help suffering, helpless people if we can.”

The controversy over Trump’s order comes as King Abdullah II of Jordan is visiting Washington this week, a situation the [AP](#) (1/30, Lederman) says is “testing” Trump’s “ability to maintain key Arab alliances while cracking down on immigration from some Muslim countries and possibly moving the American Embassy in Israel to Jerusalem.” Abdullah met Monday with Defense Secretary Mattis and Vice President Pence. He and Trump will “come face-to-face on Thursday at the National Prayer Breakfast.” The AP cites “officials” who said the embassy “was a prime topic of discussion in Abdullah’s meeting with Pence.”

***Border Patrol, ICE Agents Voice Support For Trump’s Order.*** Trump’s order drew praise from “the men and women on the front lines of protecting America’s borders,” [Western Journalism](#) (1/30, Davis) reports. A joint statement from the Border Patrol and Immigration and Customs Enforcement Councils said, “As representatives of the nation’s Frontline immigration officers and agents responsible for enforcing our laws and protecting our borders, we fully support and appreciate President Trump’s swift and decisive action to keep the American people safe and allow law enforcement to do its job.” The statement added that Trump’s orders “will make America safer and more prosperous” and have “improved morale.”

***Bannon Urged “A Hard Line” On Trump’s Immigration Order.*** [Reuters](#) (1/30, Walcott, Ainsley) reports that as the Trump Administration crafted the immigration order, Trump’s chief strategist Steve Bannon pushed “a hard line.” While senior DHS officials “interpreted the order to mean that lawful permanent residents – green card holders – who hailed from the seven Muslim-majority countries targeted in the immigration order would not face additional screening when they entered the country,” they “were quickly overruled by Bannon” and “White House senior policy adviser Stephen Miller, a close ally of Bannon’s, the officials said.” One official said, “They were in charge of this operation,” adding that “the experts were ‘almost immediately overruled by the White House, which means by Bannon and Miller.’” The [Los Angeles Times](#) (1/30, Bennett, Bierman) says Bannon and Miller “see themselves as launching a radical experiment to fundamentally transform how the US decides who is allowed into the country and to block a generation of people

who, in their view, won't assimilate into American society." According to the Times, White House aides are weighing "new, onerous security checks that could effectively limit travel into the US by people from majority-Muslim countries to a trickle."

The [Washington Post](#) (1/30, Parker) says the "fallout" from the order "exposed tender rifts within the Republican Party, alarmed members of his Cabinet, fueled suspicions among his top advisers — and left the defiant commander in chief stewing over who was to blame." Inside the White House, "tensions flickered as differences in management style emerged between two factions: one led by" Bannon and Miller, "and the other composed of chief of staff Reince Priebus and his deputies, who are accustomed to operating with a more traditional chain of command." Trump aides were "divided over who was at fault" for the "clumsy and dysfunctional" rollout of the order, "with some blaming Miller" and others saying Priebus "should have taken charge of better coordinating with the departments and communicating with lawmakers and the public."

**House Aides Helped Draft Trump's Immigration Order.** [Politico](#) (1/30, Bade, Sherman, Dawsey) reported that senior aides to the House Judiciary Committee helped Trump's aides draft the order, "but the Republican committee chairman and party leadership were not informed, according to multiple sources involved in the process." Word of the House aides involvement "helps unlock the mystery of whether the White House consulted Capitol Hill about the executive order," and "confirms that the small group of staffers were among the only people on Capitol Hill who knew of the looming controversial policy."

While the [Wall Street Journal](#) (1/30, Paletta, Hong) casts the White House as being on the defensive, correspondent Major Garrett said in the lead story for the [CBS Evening News](#) 📺 (1/30, lead story, 3:30, Pelley) that the order was "rushed through the usual protocol." Similarly, Jonathan Karl reported in the lead story for [ABC World News Tonight](#) 📺 (1/30, lead story, 3:50, Muir) the order "was rushed through so quickly on Friday, top officials on the President's national security team were left in the dark." Defense Secretary Mattis "was there when the President signed it, and even applauded, but he had no input whatsoever, and was surprised by its contents." Likewise, DHS Secretary Kelly "was getting his first full briefing on the executive order right as the President was signing it." In addition "top Republicans in Congress [were caught] by surprise." Sens. Marco Rubio and Tim Scott "said the rush to implement the policy created confusion, anxiety and uncertainty." Sens. John McCain and Lindsey Graham "went further, saying, 'We fear this executive order will become a self-inflicted wound in the fight against terrorism.'"

**California Lawmaker Calls On White House To Release Melania Trump's Immigration Records.** [Politico](#) (1/30, Marinucci) reported that California state Sen. Nancy Skinner has called on the White House to release First Lady Melania Trump's immigration. Skinner's demand comes after an AP investigation "last November found Melania Trump lacked proper work visas when she was employed as a model after arriving in the US from her native Slovenia more than two decades ago." Skinner told Politico, "No one in the Trump operation has released any of the documentation to indicate what was the circumstance, or whether she had full legal status. ... We only know they had a lawyer look at whatever papers she chose to give."

### **Media Analyses: "Dissent Memo" Shows Divide Between Career Diplomats, Trump.**

More than 100 career diplomats at the State Department reportedly have signed a "dissent memo" opposing President Trump's executive order that suspends refugee access to the US and blocks visas from specific countries. Media coverage characterizes the letter as revealing a sharp divide between State Department employees and Trump, with much reporting casting press secretary

Sean Spicer's comments as critical of government workers who do not support the President's position.

[ABC World News Tonight](#) 📺 (1/30, story 5, 1:20, Muir) reported there is "word of growing dissent inside the State Department." ABC's Martha Raddatz said, "Dozens of career diplomats worldwide have drafted a rare formal letter of dissent" that [NBC Nightly News](#) 📺 (1/30, lead story, 3:10, Holt) and the [CBS Evening News](#) 📺 (1/30, lead story, 3:30, Pelley) reported was circulated throughout the Foreign Service. Even if the memo is "never formally submitted," [Politico](#) (1/30, Toosi) says, it "represents a revolt from within the US bureaucracy." The [Washington Times](#) (1/30, Taylor) explains the memo was submitted through the State Department's "dissent channel," which is "an established, albeit secretive, medium for Foreign Service officers to question US policy that dates back to the Vietnam War era." The Times adds that the names of dissent cable authors and co-signers are "rarely revealed in public."

The [Washington Post](#) (1/30, Morello) reports there are "several versions of the draft" being circulated throughout the State Department "as diplomats weigh in and ask for revisions." More than 100 diplomats, according to diplomats "familiar with the matter," have signed the letter. The Post says one draft, first reported by ABC News, contends the ban will not prevent attacks on the US and will lead to ill will toward Americans. The [AP](#) (1/30, Lee) says the memo argues, "A policy which closes our doors to over 200 million legitimate travelers in the hopes of preventing a small number of travelers who intend to harm Americans from using the visa system to enter the United States will not achieve its aim of making our country safer." The memo adds, "This ban stands in opposition to the core American and constitutional values that we, as federal employees, took an oath to uphold." Elise Labott reported on [CNN's Situation Room](#) 📺 (1/30) that the diplomats compare the order "to the internment of Japanese-Americans during World War II."

The [New York Times](#) (1/31, Landler) reports on its front page that the White House "warned State Department officials that they should leave their jobs if they did not agree" with the President's policy, as part of what the Times says is "an extraordinary effort to stamp out a wave of internal dissent against" the visa ban. [Bloomberg Politics](#) (1/30, Wadhams) says Spicer – speaking after the dissent memo was circulated – "rebuked State Department officials who objected to" the executive order. Bloomberg quotes Spicer as saying government employees should "either get with the program or they can go." Spicer said that Trump is "going to put the safety of this country first," adding, "If somebody has a problem with that agenda, then that does call into question whether they should continue in that post or not." Spicer said, according to the [Washington Post](#) (1/30, Phillip), that Trump "appreciates the people who serve this nation and the public servants." Spicer added, "That's up to them to question whether or not they want to stay."

The [New York Times](#) (1/30) editorializes that the Administration "would be reckless to dismiss this warning from public servants who have spent their careers safeguarding American interests abroad." The Times adds that the concerns of the diplomats "are shared by lawmakers from both parties, several European leaders and top United Nations officials."

## **Editorial Wrap-Up**

### **New York Times.**

**"President Bannon?"** In an editorial, the [New York Times](#) (1/30) says it has never "witnessed a political aide move as brazenly to consolidate power as Stephen Bannon — nor have we seen one do quite so much damage so quickly to his putative boss's popular standing or pretenses of competence." The Times adds that Trump's executive order "politicizing the process for national security decisions, suggests Mr. Bannon is positioning himself not merely as a Svengali but as the



de facto president.” Trump, *The Times* adds, “has not simply broken with tradition but has embraced the risk of politicizing national security, or giving the impression of doing so.”

**“Diplomats Decry Muslim Ban.”** A [New York Times](#) (1/30) editorial cites a memorandum from more than 100 State Department employees voicing opposition to President Trump’s travel ban and says the Administration “would be reckless to dismiss this warning from public servants who have spent their careers safeguarding American interests abroad.” The Times adds that the concerns of the diplomats “are shared by lawmakers from both parties, several European leaders and top United Nations officials.”

**“Protecting Birth Control Access In Oregon.”** In an editorial, the [New York Times](#) (1/31) welcomes an Oregon bill to protect access to birth control and other reproductive healthcare services, including abortion, even if the Affordable Care Act is repealed. The Times adds that the bill’s sponsors recognize “that people need access to the full range of reproductive health care in order to participate fully in society and the economy,” and welcomes this “powerful defense...of necessary reproductive health care.”

### **Washington Post.**

**“The White House’s Soft-Core Holocaust Denialism.”** A [Washington Post](#) (1/30) editorial argues that while the “charitable explanations” for the White House’s decision to omit any mention of Jews from President Trump’s statement on the Holocaust would be “ignorance and incompetence,” another reading of the statement “is more sinister” – that by “stripping any reference to Jews from its brief statement, the Trump administration engaged in what Deborah Lipstadt, an Emory University historian, calls ‘soft-core Holocaust denial.’”

**“Trump’s Executive Order On Immigration Is A Self-Inflicted Wound.”** A [Washington Post](#) (1/30) editorial on President Trump’s immigration order warns of the “grave potential consequences of an order that’s wrong ethically and strategically.”

**“Democrats Shouldn’t Go Scorched-Earth On Trump’s Supreme Court Nominee.”** The [Washington Post](#) (1/30) argues in an editorial that while Sen. Jeff Merkley’s promise that he would call for a filibuster of anyone President Trump nominates to the Supreme Court might be “emotionally satisfying,” that approach “would be mistaken” because “provoking Republicans to resort to the filibuster-abolishing ‘nuclear option’ would leave Democrats disarmed of that weapon against a second Trump pick should another vacancy arise during his presidency.” Moreover, “the Supreme Court confirmation process needs to be protected from partisan politics to the greatest extent possible and that a scorched-earth Democratic response to any nominee, regardless of the individual merits, would simply deepen that harmful politicization.”

### **Wall Street Journal.**

**“Trump Dams The Regulatory Flood.”** A [Wall Street Journal](#) (1/30) editorial praises President Trump’s executive order that for every new Federal regulation, two must be eliminated. arguing that it will it could lead to job creation and new investment, a number of reports highlights the difficulty Trump may face in putting it into action.

**“Obama’s Refugee Legacy.”** In an editorial, the [Wall Street Journal](#) (1/30) cites President Obama’s comment on President Trump’s immigration orders and criticizes the former President for speaking out against Trump so quickly,

**“The GOP’s DeVos Doubters.”** The [Wall Street Journal](#) (1/30) editorializes that Republicans would provide teachers unions a significant victory by voting against Education Secretary-designate Betsy DeVos. The Journal says the unions are putting pressure on Republicans because



DeVos would be the first Education Secretary that did not share their views since the Reagan Administration.

## Big Picture

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### Headlines From Today's Front Pages.

#### *Wall Street Journal:*

[White House Fires Acting Attorney General Sally Yates](#)  
[Trump To Add CIA Director To National Security Council](#)  
[Facebook Is Trying Everything To Re-Enter China—And It's Not Working](#)  
[Investors Press For CEO's Ouster At Arconic, The Alcoa Spinoff](#)

#### *New York Times:*

[Trump Fires Acting Attorney General](#)  
[State Dept. Officials Should Quit If They Disagree With Trump, White House Warns](#)  
[In Ban On Migrants, Trump Supporters See A Promise Kept](#)  
[For Leaders Of US Allies, Getting Close To Trump Can Sting](#)  
[Questions Raised About Brain Centers Backed By Betsy DeVos](#)  
[Republicans' Paths To Unraveling The Dodd-Frank Act](#)  
[Boy Scouts, Reversing Century-Old Stance, Will Allow Transgender Boys](#)

#### *Washington Post:*

[University Student Charged In Quebec Mosque Rampage](#)  
[Acting Attorney General Fired Over Ban](#)  
[In A Long-sought Home, A Case Of Lead Poisoning](#)  
[Sessions Helping Power Trump's Frenetic Start](#)  
[Furor Over Ban Reveals White House, GOP Rifts](#)

#### *Financial Times:*

[Myanmar Killing Stokes Political Violence Fears](#)  
[Backlash From Big Business Grows Over Trump Upheaval](#)

#### *Washington Times:*

[Trump Fires Acting Attorney General Sally Yates](#)  
[Obama, Bush Didn't Feel The Same Pushback As Trump, White House Says](#)  
[Supreme Court Nominee Has Both Sides Preparing For Battle](#)  
[North Dakota Wants Hired Pipeline Protesters To Pay State Income Taxes](#)  
[Canadian Man Charged In Deadly Shooting Spree At Quebec City Mosque](#)  
[Extremist Links Undercut Chile's Image Of Stability](#)

#### *Story Lineup From Last Night's Network News:*

**ABC:** Travel Ban Reactions; Terrorist Origins; Travel Ban-Obama, May Responses; Quebec City Mosque Attack; Travel Ban-State Dept, Vet Responses; Trump-NSC Appointment; Travel Ban-Legal Challenge; Delta IT Errors; 40-Year-Old Murder Case; Severe Weather; Health-Lung Cancer Screening; GHW Bush Health; Disabled Swimmer.

**CBS:** Travel Ban Reactions; Travel Ban-Congress Responses; Travel Ban-Expert Comment; Travel Ban-Iraqi General Responses; Travel Ban-Trump Supporters; Travel Ban-IT Companies Responses; Quebec City Mosque Attack; US SEAL Casualty-Yemen; Trump-Media Criticism, NSC;

Trump-Supreme Court Nominee; GHW Bush Health; Travel Ban-Legal Challenge, Detainees.  
**NBC:** Trump-Travel Ban; Trump-NSC Appointment; Travel Ban-Legal Challenge; Travel Ban-Family Responses; Travel Ban-Iraqi Responses; Quebec City Mosque Attack; GHW Bush Health; Phone Scam; Traffic Pileups; Health-Hesitant Doctor Visits; Annual Dog Show; Former Homeless College Wrestler; Travel Ban-Holt Comment.

***Network TV At A Glance:***

Travel Ban Reactions – 10 minutes, 30 seconds  
Travel Ban-Impacted Individual Responses – 8 minutes, 50 seconds  
Quebec City Mosque Attack – 5 minutes, 45 seconds  
Trump-NSC Appointment – 3 minutes, 45 seconds  
Travel Ban-Legal Challenge – 3 minutes, 35 seconds  
GHW Bush Health – 45 seconds

***Story Lineup From This Morning's Radio News Broadcasts:***

**ABC:** Acting Attorney General Sally Yates Fired; Quebec City Mosque Attack; Boy Scouts-Transgender; Wall Street News.

**CBS:** Acting Attorney General Sally Yates Fired; Confirmation Hearing; Quebec City Mosque Attack; Boy Scouts-Transgender; Wall Street News.

**FOX:** Acting Attorney General Sally Yates Fired; Confirmation Hearing; Travel Ban Reactions; Travel Ban-IT Companies Responses.

**NPR:** Acting Attorney General Sally Yates Fired; Confirmation Hearing; Trump DHS Appointment; Travel Ban-Legal Challenge; Health-Lung Cancer Screening; Wall Street News; Boy Scouts-Transgender; Sony Cutting Movie Business; Walgreen-Rite Aid Merger.

## **Washington Schedule**

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### **Today's Events In Washington.**

**White House:**

PRESIDENT TRUMP — Meets with Pharma; meets with Chief of Staff, Reince Priebus; has lunch with Mayor Rudy Giuliani; holds a listening session with cyber security experts; signs Executive Order; announces his pick for SCOTUS justice.

VICE PRESIDENT PENCE — Joins THE PRESIDENT to meet with Pharma; participates in the Senate Republican Policy Lunch, followed by private meetings with individual lawmakers; joins THE PRESIDENT as he announces Supreme Court of the United States nominee.

**US Senate:** 9:30 AM Senate Energy and Natural Resources Committee votes on energy and interior secretary nominees – Business Meeting, with agenda including nominations of Rick Perry to be Secretary of Energy and Ryan Zinke to be Secretary of the Interior, 'An original resolution authorizing expenditures by the committee for the 115th Congress', and 'Ratification of subcommittee assignments for the 115th Congress' \* Then-President-elect Donald Trump announced the nominations of former Texas Governor Perry and Republican Rep. Zinke last month

\* During a Republican presidential candidate debate in November 2011, Perry forgot that the Department of Energy was one of the three federal govt agencies he would eliminate if elected, eventually saying 'oops' after naming the departments of commerce and education as the other two. He has since said he has changed his mind over wanting to eliminate the department

Location: Rm 366, Dirksen Senate Office Bldg, Washington, DC <http://energy.senate.gov/public/>

9:30 AM Senate Judiciary Committee votes on GOP Sen. Jeff Sessions to be AG – Executive Business Meeting, with agenda including nomination of Jeff Sessions to be Attorney General,

committee rules, and 'S. 178, Elder Abuse Prevention and Prosecution Act' \* President Donald Trump announced the nomination of Republican Sen. Sessions in November Location: Rm 226, Dirksen Senate Office Bldg, Washington, DC <http://judiciary.senate.gov/>

10:00 AM Senate Foreign Relations Committee hearing on North Korea – Hearing on 'Confronting the North Korea Threat: Reassessing Policy Options', with testimony from American Enterprise Institute Chair in Political Economy Dr Nicholas Eberstadt; and Council on Foreign Relations Senior Fellow for Korea Studies and Program on U.S.-Korea Policy Director Scott Snyder Location: Rm 419, Dirksen Senate Office Bldg, Washington, DC <http://foreign.senate.gov/>

10:00 AM Senate HELP Committee votes on nomination of Betsy DeVos to be education secretary – Executive Session, with agenda including nomination of Betsy DeVos to be Secretary of Education, 'Adoption of Committee Rules for the 115th Congress', and 'Subcommittee Assignments for the 115th Congress' \* Then-President-elect Donald Trump announced the nomination of businesswoman DeVos in November Location: Rm 430, Dirksen Senate Office Bldg, Washington, DC <http://help.senate.gov/>

10:00 AM Senate Finance Committee votes on GOP Rep. Tom Price to be HHS secretary – Executive Session, to consider the nomination of Tom Price to be Secretary of Health and Human Services \* Then-President-elect Donald Trump announced the nomination of the Republican congressman in November \* Rep. Price has said that he will divest himself of stock in over 40 companies and resign a position with the American Medical Association if confirmed by the Senate, to avoid potential conflicts of interest Location: Rm 215, Dirksen Senate Office Bldg, Washington, DC <http://finance.senate.gov>

11:00 AM Senate Indian Affairs Committee organizational meeting – Business Meeting, with agenda including 'Selection of the Chairman and Vice Chairman of the Committee', 'Adoption of the rules of the Committee for the 115th Congress', and 'Adoption of the funding resolution for the Committee for the 115th Congress' Location: Rm 628, Dirksen Senate Office Bldg, Washington, DC <http://indian.senate.gov> <https://twitter.com/IndianCommittee>

**US House:** 10:00 AM HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM Business meeting – Full Committee, business meeting on the committee's oversight and authorization plan; and markup on H.R. 396, the "Tax Accountability Act of 2017"; H.R. 194, the "Federal Agency Mail Management Act of 2017"; the "Federal Employee Antidiscrimination Act of 2017"; H.R. 679, the "Construction Consensus Procurement Improvement Act of 2017"; H.R. 653, the "Federal Intern Protection Act of 2017"; and H.R. 657, the "Follow the Rules Act." Location: 2154 Rayburn. <http://oversight.house.gov/> <https://twitter.com/GOPoversight>

10:00 AM House Commerce subcommittee hearing on Medicaid – Oversight and Investigations Subcommittee hearing on 'Medicaid Oversight: Existing Problems and Ways to Strengthen the Program', with testimony from Foundation for Government Accountability Senior Fellow Josh Archambault; Manhattan Institute Director of Health Policy Paul Howard; Department of Health and Human Services Assistant Inspector General for Evaluation and Inspections Ann Maxwell; Georgetown University Law Center Senior Scholar in Health Law Timothy Westmoreland; and Government Accountability Office Director of Health Care Carolyn Yocom Location: Rm 2123, Rayburn House Office Bldg, Washington, DC <http://energycommerce.house.gov/> <https://twitter.com/HouseCommerce>

10:00 AM House Transportation and Infrastructure Committee Organizational Meeting Location: Rm 2167, Rayburn House Office Bldg, Washington, DC <http://transportation.house.gov/> <https://twitter.com/Transport>

10:00 AM House Oversight and Government Reform Committee Business Meeting – Business Meeting, with agenda including 'The Committee's Authorization and Oversight Plan for the 115th

Congress', 'H.R. 657, Follow the Rules Act', 'H.R. 653, Federal Intern Protection Act of 2017', 'H.R. 679, Construction Consensus Procurement Improvement Act of 2017', 'H.R. XXX, Federal Employee Antidiscrimination Act of 2017', 'H.R. 194, Federal Agency Mail Management Act of 2017', and 'H.R. 396, Tax Accountability Act of 2017' Location: U.S. Capitol, Washington, DC <http://oversight.house.gov/> <https://twitter.com/GOPoversight>

10:30 AM Bipartisan Reps. Tom Reed and Tim Ryan keynote ITIF event – 'What Should the Trump Administration's Manufacturing Strategy Look Like?' Information Technology and Innovation Foundation event. House Manufacturing Caucus co-chairs Tom Reed and Tim Ryan keynote, with panel including Deloitte Consulting Supply Chain Strategy Leader Principal Kelly Marchese, McKinsey Global Institute Partner Sree Ramaswamy, and Manufacturers Alliance for Productivity and Innovation Foundation Chief Economist Cliff Waldman Location: CVC-268, U.S. Capitol, Washington, DC [www.itif.org](http://www.itif.org) <https://twitter.com/ITIFdc>

11:00 AM House Minority Whip Steny Hoyer regular pen-and-pad briefing Location: H-144, U.S. Capitol, Washington, DC [www.democraticwhip.gov/](http://www.democraticwhip.gov/) <https://twitter.com/WhipHoyer>

2:00 PM House Government Reform subcommittee hearing on 'fraud, waste, and abuse under 'Obamacare' – Health Care, Benefits, and Administrative Rules Subcommittee hearing on 'Fraud, Waste and Abuse under the Affordable Care Act' \* Earlier this month, President Donald Trump signed an executive order to 'minimize the economic burden of the Patient Protection and Affordable Care Act pending repeal', with Congress having passed a resolution to ease passage of further legislation to repeal the ACA. UPDATED to room 2247 Rayburn from 2154 Rayburn. Location: Rm 2247, Rayburn House Office Bldg, Washington, DC <http://oversight.house.gov/> <https://twitter.com/GOPoversight>

2:00 PM House meets for legislative business – House of Representatives meets for legislative business, with agenda including consideration of legislation including 'H.R. 58 – FRIENDS Act', as amended, 'H.R. 666 – Department of Homeland Security Insider Threat and Mitigation Act of 2017', 'H.R. 642 – Fusion Center Enhancement Act of 2017', 'H.R. 526 – Counterterrorism Advisory Board Act of 2017', as amended, 'H.R. 665 – Airport Perimeter and Access Control Security Act of 2017', 'H.R. 366 – DHS SAVE Act', 'H.R. 549 – Transit Security Grant Program Flexibility Act', 'H.R. 687 – First Responder Access to Innovative Technologies Act', 'H.R. 584 – Cyber Preparedness Act of 2017', 'H.R. 655 – Securing the Cities Act of 2017', 'H.R. 437 – Medical Preparedness Allowable Use Act', 'H.R. 612 – United States-Israel Cybersecurity Cooperation Enhancement Act of 2017', 'H.R. 505 – Border Security Technology Accountability Act of 2017', as amended, and 'H.R. 677 – CBRN Intelligence and Information Sharing Act of 2017' under suspension of the rules Location: Washington, DC <http://www.house.gov/>

3:00 PM House Rules Committee hearing – Hearing on 'H.J. Res. XXX – Disapproving the final rule submitted by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration relating to the Federal Acquisition Regulation' and 'H.J. Res. XXX – Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Bureau of Land Management relating to 'Waste Prevention, Production Subject to Royalties, and Resource Conservation' Location: H-313, U.S. Capitol, Washington, DC <http://www.rules.house.gov/> <https://twitter.com/RulesReps>

**Other:** 7:30 AM Council for Higher Education Accreditation Annual Conference continues – Council for Higher Education Accreditation Annual Conference and CHEA International Quality Group (CIOG) Annual Meeting continues, with day two speakers including Republican Rep. Virginia Foxx and University of Virginia Center for Politics Director Larry Sabato Location: Capital Hilton, 1001 16th St NW, Washington, DC [www.chea.org](http://www.chea.org) <https://twitter.com/CHEAnews> #CHEA2017AC

8:00 AM Women in Government Relations task force hosts event with Dem Rep. Cheri Bustos – Women in Government Relations Transportation & Infrastructure Task Force hosts '20-to-1 Congressional Coffee' with Democratic Rep. Cheri Bustos Location: Allstate Insurance Company, 444 N Capitol St NW, Washington, DC <http://www.wgr.org> <https://twitter.com/WGRDC>

12:00 PM GOP Rep. Sean Duffy keynotes U.S. Chamber of Commerce event on corporate disclosures – U.S. Chamber of Commerce Center for Capital Markets Competitiveness (CCMC) hosts lunch discussion on 'what can be done to modernize corporate disclosures and make them useful for today's investors'. Republican Rep. Sean Duffy keynotes and CCMC President and CEO David Hirschmann delivers remarks, both on 'the importance of modernizing the corporate disclosure systems'; CCMC Executive Vice President Tom Quadman provides overview of a new white paper looking at 'why materiality matters and should remain the guiding principle for public company disclosure'; and Vanguard Principal and Fund Treasurer Glenn Booream, University of Delaware Corporate Governance Professor Charles Elson, Hunton & Williams partner Scott Kimpel, and Sustainability Accounting Standards Board founder and CEO Jean Rogerson participate in panel presentation on the future of corporate disclosures Location: USCC, 1615 H St NW, Washington, DC [www.uschamber.com](http://www.uschamber.com) <https://twitter.com/USChamber>

8:00 PM DNC chair candidate Rep. Keith Ellison speaks on Democracy for America call – Democracy for America live call with Democratic Rep. Keith Ellison, who has been endorsed by DFA in his campaign to become chair of the Democratic National Committee Location: TBD [www.democracyforamerica.com](http://www.democracyforamerica.com) <https://twitter.com/dfaaction>

## Last Laughs

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### Late Night Political Humor.

**Jimmy Kimmel:** "There's a lot of passion because after like 60 years, we finally have a President who keeps his campaign promises, and it's Donald Trump."

**Jimmy Kimmel:** "You know how over the course of his time in office, over four years or eight years, the President gets old and his hair turns gray? During this administration, instead of him, that's going to happen to all of us."

**Jimmy Kimmel:** "There were demonstrations in just about every major city yesterday. People went to the airport to protest. That's when you know people are mad. It's Sunday, they have no travel plans, and they go to the airport."

**Jimmy Kimmel:** "I don't understand any of this. I mean, if Donald Trump, if he stops all the immigrants from coming into the country, where's he going to find his next wife?"

**Jimmy Kimmel:** "[Trump] also spoke with Vladimir Putin for about an hour. Putin wanted to know if Trump liked the gift he got him. Donald told him, yes, he was enjoying the presidency very much."

**Stephen Colbert:** "At Dulles Airport, a five-year-old Iranian boy was detained for hours and kept from his mother. Or as Kellyanne Conway calls it, 'alternative daycare.'"

**Stephen Colbert:** "Do you have any idea how angry people have to be to voluntarily go to JFK?"

**Stephen Colbert:** "And there was outrage all over the world. A member of Iraq's parliament said that following the ban, 'it is very likely that Iraq will stop granting US citizens entry visas.' Sorry

kids, there goes spring break in Fallujah. Though, honestly, when did the US ever ask permission to enter Iraq?"

**Trevor Noah:** "Think about it, even the border officials didn't understand the ban. They had to enforce it and didn't understand it. They were probably asking the refugees to help them."

**Jimmy Fallon:** "Here in New York, thousands of people showed up at JFK airport over the weekend to protest Trump's immigration ban. People who were actually at the protest said, 'This is awful,' while the people out in LaGuardia were like, 'You think you got it bad? We're at LaGuardia.'"

**Jimmy Fallon:** "It's reported President Obama could receive up to \$20 million for his upcoming memoir, which is more than any other President. I guess he's already come up with a few options for the title. First there's 'Fifty Shades of Graying.'"

**Jimmy Fallon:** "Last night Miss Kenya said that she thinks President Trump has actually done a lot to unify the US. Trump was so happy with Miss Kenya, he started a rumor that she was born in America."

**Seth Meyers:** "Former President Obama released his first public statement today since leaving the White House, and I have it here. Just let me read it to you in full. 'Oh, hell no!'"

**Seth Meyers:** "President Trump said today that if he had announced his travel ban earlier, the 'bad people would rush into our country.' I don't know how to tell you this, but dude, turn around."

**Seth Meyers:** "Trump did accomplish something truly remarkable. He managed to spark yet another round of massive, nationwide protests for the second time in just the first week of his presidency. And people are willing to go to places to protest. Last week it was parks. This week it was airports. Next week people are going to march for gay rights at the DMV."

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1) **Program to Phase-out High-bleed Pneumatic Controllers – Implementation Principles**

**General**

- 5-year replacement goal for all onshore continuous high bleed pneumatic controllers
- Create a new and separate Gas STAR Pneumatics Program (separate from the proposed Gas Star Gold program and the old Gas STAR program)
- Work together with interested parties to develop the program specifics

**Program Specifics**

- Replace all onshore continuous-high-bleed controllers with one of the following:
  - Continuous-low-bleed controllers
  - Intermittent-vent controllers
  - Electrically operated controllers and valve actuators or mechanical controllers
  - Convert to instrument air to replace natural gas as the motive gas, or
  - Remove from service where feasible with no replacement
- Support annual reporting and alignment with timing of GHG reporting – March 31<sup>st</sup> reporting deadline for the previous calendar year. Reports would include the following regarding a company's on shore continuous-high-bleed controllers:
  - Number replaced
  - Number swapped to instrument air
  - Number eliminated
  - Number remaining
- Targets to meet 100% replacement goal within 5 years
- Only affects controllers located at upstream onshore production and gathering facilities as well as natural gas processing plants
- EPA may make program details and submitted company-specific data publically available
- Maintain Subpart OOOO exemption based on functional needs, including but not limited to maintain time, safety, and positive actuation

2) **Leak Program for Oil and Gas Production Sources – Implementation Principles**

**General**

- Targeted toward higher emissions sources
- Applies to new and existing onshore sites upstream of gas processing plant (as defined in OOOO)
- Applies to onshore production sites with online storage vessel or compressor
- Incorporates five-year phase in schedule to implement initial monitoring for participating existing sites based on individual company plan

- Instrument based monitoring programs within existing state regulatory and permit requirements or participation in voluntary program should satisfy future regulatory requirements (i.e., NSPS OOOO)
- Allow flexibility in leak detection methods and technologies (e.g., Method 21, IR camera, or other equivalent) to satisfy the voluntary program requirements
- Committed to reasonable, cost-effective reporting that tracks progress

### Program Specifics

<b>Target</b>	Broad facility survey
<b>Target Components</b>	Significant emission sources such as malfunctioning fugitive emission components, pneumatic controllers not functioning as designed, and controlled hydrocarbon storage vessels
<b>Method</b>	IR camera or equivalent
<b>Initial Survey</b>	
Existing Site	Phased in, initiated within no later than 18 months and concluded over no more than a 5 year period
New Site	Within 180 days of start of production following installation of new hydrocarbon storage vessel or compressor
<b>Subsequent Surveys</b>	Annual after initial survey
<b>Repair Period</b>	<ul style="list-style-type: none"> <li>• 1<sup>st</sup> attempt within 15 days</li> <li>• Repair within 60 days (pending part availability)</li> <li>• Delay of repair (at next shut down or pending part availability)</li> </ul>
<b>Reporting</b>	
Frequency	Annual
Contents	<ul style="list-style-type: none"> <li>• Number of new sites monitored</li> <li>• Number of existing sites monitored</li> <li>• Number of leaks repaired (excluding those repaired during survey)</li> <li>• Number of leaks not repaired and reason for delay</li> </ul>
Tagging/Other identification	Only of leaking components not repaired during survey

- 3) Continue reporting of liquids unloading venting and work with companies to help reduce their liquids unloading venting.
  - o The Waste Prevention, Production Subject to Royalties, and Resource Conservation rule requires that liquids unloading venting be reported that lasts more than 24 hours in a production month or greater than 75 MCF during a

production month. BLM could continue such reporting to determine wells with high liquids unloading venting.

- o BLM should work with companies with high liquids unloading venting to identify options to reduce venting.

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**From:** Chambers, Micah <micah\_chambers@ios.doi.gov>  
**Sent:** Sunday, May 21, 2017 5:14 PM  
**To:** D B  
**Cc:** Amanda Kaster; Salotti, Christopher; Megan Bloomgren  
**Subject:** Fwd: DOI Dep. Sec. Nominee Bernhardt QFR - Chairman Murkowski  
**Attachments:** Nominee Bernhardt Responses to Post Hearing QFR 5.21.docx; Cantwell Attachment to Qs 1 2 3 17 18.pdf; Chairman Murkowski Transmittal.pdf; Cortez Masto Attachment Q 1.pdf; Nominee Bernhardt Responses to Written Questions 5.21.17.pdf

Dave. This was just sent to Colin and Darla. It did not bounce back, so at this point their emails are not rejecting the larger documents. I am sending the remaining packages to Minority SENR and individual members right now.

Micah

----- Forwarded message -----

**From:** Chambers, Micah <[micah\\_chambers@ios.doi.gov](mailto:micah_chambers@ios.doi.gov)>  
**Date:** Sun, May 21, 2017 at 5:04 PM  
**Subject:** DOI Dep. Sec. Nominee Bernhardt QFR - Chairman Murkowski  
**To:** "Hayes, Colin (Energy)" <[colin\\_hayes@energy.senate.gov](mailto:colin_hayes@energy.senate.gov)>, "Ripchensky, Darla (Energy)" <[Darla\\_Ripchensky@energy.senate.gov](mailto:Darla_Ripchensky@energy.senate.gov)>  
**Cc:** Amanda Kaster <[amanda\\_kaster@ios.doi.gov](mailto:amanda_kaster@ios.doi.gov)>

Colin and Darla,

Hope you are both having a good weekend.

Attached you will find Mr. Bernhardt's final QFRs along with the attachments referenced within them. Darla, there is a word version for you to cut and paste individual responses to each Senate office. For your own awareness, we will be sending individual responses to each Senate office tonight and delivering hard copies tomorrow as well.

Please let us know if you have any questions and thank you for all your help during this process.

--  
Micah Chambers  
Special Assistant / Acting Director  
Office of Congressional & Legislative Affairs  
Office of the Secretary of the Interior

--  
Micah Chambers

Special Assistant / Acting Director  
Office of Congressional & Legislative Affairs  
Office of the Secretary of the Interior

**U.S. Senate Committee on Energy and Natural Resources**  
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**Questions from Chairman Lisa Murkowski**

**Question 1: I appreciated your answer to my question on consultation with Alaska Natives and American Indians during today's hearing, and have a few brief follow-ups.**

- a. Do you believe that tribal consultation is a requirement?**
- b. What will you do to ensure meaningful consultation with tribal governments?**

**Response to a. and b.:** Chairman Murkowski as I indicated at the hearing, I appreciate the importance of tribal consultation, take consultation seriously, and commit to consult with Alaskan Natives and American Indian Tribes. I will work with Secretary Zinke to implement a culture at the Department of the Interior that ensures opportunities for consultation, where appropriate.

**Question 2: What is your view of compacting programs (other than programs in the Bureau of Indian Affairs) within the Department of the Interior? What would you do, if anything, to move forward with those efforts in this administration?**

**Response:** I am strong supporter of efforts of self-governance and self-determination and believe that compacting can help facilitate meaningful economic improvement. However, I would need to learn more about any specific efforts before describing specific steps the Department should take. I would be happy to do so, if confirmed.



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**Questions from Ranking Member Maria Cantwell**

**Question 1: Cadiz Inc.**

**Regarding Cadiz Inc., please answer the following:**

- A. Your financial disclosure forms indicate that you have been providing legal services to a company called Cadiz Inc. Have you provided any services to Cadiz Inc. in the last 6 months? If so, what has been the nature of those services?**

**Response:** Yes. The nature of the services, as described in the OGE 278e Form that was provided to the Committee after undergoing review by the Office of Government Ethics, is identified as legal services.

- B. Please explain the extent to which your firm's compensation from Cadiz is based on agency or judicial actions and milestones.**

**Response:** I am not the lead attorney for Cadiz Inc. at my firm. While my private law firm does not publically discuss fee agreements, it is my understanding that the stock arrangement you reference is freely available on the world wide web as part of 8-K filings by Cadiz Inc.

- C. Since November of 2016 have you discussed or otherwise communicated about any issue or project that Cadiz Inc. has an interest in with any member of the following:**

- 1. The Presidential Transition Team, and if so who?**

**Response:** No

- 2. Executive branch employees (including political officials), and if so who?**

**Response:** No.

- 3. Members of Congress or their staff, and if so who?**

**Response:** No

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**D. Did you or members of your firm advise or in any way have involvement in the appearance of the Cadiz Water Conveyance Project on the Preside-Elect's Priority List of Emergency and National Security Projects?**

**Response:** I had no involvement with the appearance of the Cadiz Water Conveyance Project on the "Preside-Elect's Priority List of Emergency and National Security Projects," and I do not know if that is a document developed by the Presidential transition.

**E. Do you believe that you or your firm's advocacy or work on behalf of Cadiz Inc. in any way influenced the Bureau of Land Management's issuance of the Instruction Memorandum on March 29, 2017, rescinding the Washington Office Instruction Memorandum No. 2014-122—either directly or indirectly?**

**Response:** The nature of my services to Cadiz Inc is addressed in the materials that I have provided to the Committee that were reviewed and certified by the Office of Government Ethics. I did not engage in regulated lobbying for this client under the Lobbying Disclosure Act of 1995, however, to the extent members of my firm did, their activities are disclosed and publically available at [www.House.gov](http://www.House.gov).

**F. Have you or your firm received any compensation of any kind from Cadiz Inc., including additional shares of stock, since November of 2016? If so, is this compensation in any way reflected in the pay, equity, or bonuses you have received from Brownstein to date? Will the *pro rata* partnership distribution you receive upon your withdrawal from your firm reflect any fees or other form of compensation paid by Cadiz?**

**Response:** As previously stated, my private law firm does not publically discuss the fee agreements of our clients. To the extent that any revenues were received at our firm, expenses are paid and then funds are saved for contingencies and bonus pools, and a monthly distribution to partners is determined. If a monthly distribution is determined, I receive a pro-rata share of the distribution based upon my placement in the firm. Any pro-rata distribution would not include any value from any stock identified in Cadiz Inc's stock price.

**G. Will you recuse yourself from working on any matter in which Cadiz Inc. has as interest or on which you have worked on behalf of Cadiz Inc., for the duration of your service, if confirmed?**

**Response:** I believe that public trust is a public responsibility, that maintaining an ethical culture is important, and that it starts at the top. I will fully comply with the ethics agreement that I signed. In addition, as we discussed at the hearing, for the duration of my service at the Department, I intend to actively seek and consult with the Department's Designated Agency Ethics Official regarding any particular matters involving specific parties of former clients or

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entities represented by my former firm. I will install a robust screening process, should one not exist within the office.

In addition, on May 4, 2017, the Committee received correspondence from the General Counsel of the United States Office of Government Ethics, David J. Apol.

Mr. Apol's correspondence included an enclosure of the "ethics agreement outlining the actions that the nominee [David Bernhardt] will undertake to avoid conflicts of interest." Further, General Counsel Apol explained, "we [the Office of Government Ethics] believe that this nominee [David Bernhardt] is in compliance with the applicable laws and regulations governing conflicts of interest."

Finally, I have reviewed some of the prior ethics agreements provided to the Committee in the past. There is a striking degree of consistency between the ethics agreement that I provided to and that was certified by Mr. Apol, and the agreements provided by other nominees to positions within the Department of the Interior who also worked in large private law firms representing similar clients, and in some cases the same clients. Indeed, nominees with very similar ethics agreements were favorably reported out of the Committee subsequent to the publication of the Inspector General's Report you referenced in your recent letter to me. Copies of two such ethics agreements are attached to this document.

Given General Counsel Apol's determination that the ethics agreement I signed complies with the Office of Government Ethics' regulations and the applicable laws governing conflicts of interest, as well as the obvious similarity between that ethics agreement and those previously found by the Committee to be sufficiently clear to proceed with the nominations, with your personal support, I reaffirm to you that I will comply with the ethics agreement that I have signed.

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**Question 2: Westlands Water District**

**Regarding the Westlands Water District, please answer the following:**

**A. In what court cases and litigation have you represented the Westlands Water District? Please list the cases and their subject matter.**

**Response:**

<b>Case Name</b>	<b>Case #</b>	<b>Subject</b>
Westlands Water District v. United States	109 Fed. Cl. 177 12-cv-0012	Water district's claims against the government for alleged breaches of purported contractual obligation to provide drainage to the district.
San Luis & Delta-Mendota Water Authority; Westlands Water District v. Locke	776 F.3d 971 09-cv-1053-LJO-DLB US Dist. Court of Eastern CA Appeal: 12-15144, 15289, 15290, 15291, 15293, 15296	Action pertaining to a formal Biological Opinion ("BiOp") developed by the Commerce Department's National Marine Fisheries Services pursuant to the Endangered Species Act.

**B. During what dates were you registered as a lobbyist for the Westlands Irrigation District?**

**Response:** This information is addressed in the response I have provided to question 20 of the Statement for Completion by Presidential Nominees. In addition, this information is publically available at [www.house.gov](http://www.house.gov).

**C. On what matters did you lobby for on behalf of the Westlands Water District?**

**Response:** Potential legislation related to the Bureau of Reclamation.

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**D. Did you lobby or otherwise advise on any legislative language pertaining to the operation of the Central Valley Project or any related Biological Opinions on behalf of the Westlands Water District in 2016?**

**Response:** I was a registered lobbyist for Westlands Water District until November 2016. I was one of many attorneys across the United States who responded to technical drafting requests made by offices in the U.S. House of Representatives and U.S. Senate from members of both political parties. In that capacity, and upon their request, I provided technical drafting assistance.

**E. Did you advise any Members of Congress or their staff on such language after November 18, 2016?**

**Response:** I have not engaged in regulated lobbying on behalf of Westlands Water District after November 18<sup>th</sup>, 2016.

**F. Please provide complete records to the Committee on Energy and Natural Resources of any communications you had with any employee of Congress, the Presidential transition team or executive branch after November 18, 2016.**

**Response:** I am in full compliance with all disclosures and requirements required by the U.S. Senate for consideration as a presidential nominee, including the form entitled Statement for Completion by Presidential Nominees for the Senate Energy and Natural Resources Committee, the clearances required by the Office of Government Ethics and the ethics experts with the Department of the Interior's Ethics Office, and the background investigation by the Federal Bureau of Investigation. It is my understanding that these disclosures are entirely consistent with the past practice for nominees considered and reported favorably by this Committee on a bipartisan basis with the same background in a private law practice, including those who participated on a voluntary basis in presidential transitions.

**G. As an employee and shareholder in Brownstein, have you or will you receive any compensation or financial benefits of any kind from the fees collected from Westlands Water District since November 18, 2016?**

**Response:** As previously stated, my private law firm does not publically discuss the fee agreements of our clients. To the extent that any revenues were received at our firm, expenses are paid and then funds are saved for contingencies and bonus pools, and a monthly distribution to partners is determined. If a monthly distribution is determined, I receive a pro-rata share of the distribution based upon my placement in the firm.

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**H. Will you recuse yourself from working on any matter in which the Westlands Water District has an interest or on which you have worked on for Westlands for the duration of your service, if confirmed?**

**Response:** I believe that public trust is a public responsibility and that maintaining an ethical culture is important. I will fully comply with the ethics agreement that I have signed. As I explained at the hearing, for the duration of my service I intend to actively seek and consult with the Department's Designated Agency Ethics Official regarding any particular matters involving specific parties of former clients or entities represented by my former firm. I will install a robust screening process, should one not exist within the office.

That said, on May 4, 2017, the Committee on Energy and Natural Resources received correspondence from the General Counsel of the United States Office of Government Ethics, David J. Apol.

Mr. Apol's correspondence included an enclosure of the "ethics agreement outlining the actions that the nominee [David Bernhardt] will undertake to avoid conflicts of interest." Further, General Counsel Apol explained, "we [the Office of Government Ethics] believe that this nominee [David Bernhardt] is in compliance with the applicable laws and regulations governing conflicts of interest."

In addition, I have reviewed some of the prior ethics agreements provided to the Committee in the past. There is a striking degree of consistency between the ethics agreement that I provided to, and that was certified by, Mr. Apol and the agreements provided by other nominees to positions within the Department of the Interior who also worked in large private law firms representing similar clients, and in some cases the same clients. Indeed, nominees with very similar ethics agreements were favorably reported out of the Committee subsequent to the publication of the Inspector General's Report you referenced in your recent letter to me. Copies of two such ethics agreements are attached to this correspondence.

Given General Counsel Apol's determination that the ethics agreement I signed complies with the Office of Government Ethics' regulations and the applicable laws governing conflicts of interest, as well as the obvious similarity between that ethics agreement and those previously found by the Committee to be sufficiently clear to proceed with the nomination, with your personal support, I reaffirm to you that I will comply with the ethics agreement that I have signed.



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**I. Will you recuse yourself from working on any matter pertaining to the Central Valley Project for the duration of your service, if confirmed?**

**Response:** As I have stated above, I believe that public trust is a public responsibility and that maintaining an ethical culture is important. I will fully comply with the ethics agreement that I have signed. For the duration of my service, I intend to actively seek and consult with the Department's Designated Agency Ethics Official regarding particular matters involving specific parties of former clients or entities represented by my former firm. In addition, I will install a robust screening process, should one not exist within the office.

**J. Will you recuse yourself from working on any matter pertaining to the Endangered Species Act and any relevant Biological Opinions that relate to the operation of the Central Valley Project for the duration of your service, if confirmed?**

**Response:** I believe that public trust is a public responsibility. I believe that maintaining an ethical culture is important. I will fully comply with the ethics agreement that I signed. For the duration of my service, I intend to actively seek and consult with the Department's Designated Agency Ethics Official regarding particular matters involving specific parties of former clients or entities represented by my former firm. In addition, I will install a robust screening process, should one not exist within the office.

**Question 3: Conflicts of Interest**

**On May 11, 2016, I sent you a letter asking you to clarify what steps you will take to avoid conflicts of interest. You have not responded. Please provide a written response to the questions contained in that letter, which were:**

- A. Please identify, with specificity, which particular matters involving your clients are currently pending before the Department, and any additional ones you believe may come before the Department within the next two years, which you understand your ethics agreement commits you to not participate in.**
- B. With respect to each of these matters, please identify "precisely what measure will be undertaken" to avoid an actual or apparent conflict of interest.**

**Response to A. and B.:** Seven days before you sent your correspondence to me asking these questions, the Committee on Energy and Natural Resources had received correspondence from the General Counsel of the United States Office of Government Ethics, David J. Apol.

Mr. Apol's correspondence included an enclosure of the "ethics agreement outlining the actions that the nominee [David Bernhardt] will undertake to avoid conflicts of interest."

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Further, General Counsel Apol explained, “we [the Office of Government Ethics] believe that this nominee [David Bernhardt] is in compliance with the applicable laws and regulations governing conflicts of interest.”

In addition, I have reviewed some of the prior ethics agreements provided to the Committee in the past. There is a striking degree of consistency between the ethics agreement that I provided to, and that was certified by, Mr. Apol and the agreements provided by other nominees to positions within the Department of the Interior who worked in large private law firms representing similar clients, and in some cases the same clients. Indeed, nominees with very similar ethics agreements were favorably reported out of the Committee subsequent to the publication of the cited Inspector General’s Report you referenced in your recent letter to me. Copies of two such ethics agreements are attached to this correspondence.

Given General Counsel Apol’s determination that the ethics agreement I signed complies with the Office of Government Ethics’ regulations and the applicable laws governing conflicts of interest, as well as the obvious similarity between that ethics agreement and those the Committee previously found sufficiently clear to proceed with the nomination, with your personal support, I reaffirm that I will comply with the ethics agreement that I have signed.

In addition, as a general matter, it is my experience that the focus of the chief operating officer of the Department of the Interior will generally not be on particular matters involving specific parties. However, I intend to implement a robust screening process and work closely with the Designated Agency Ethics Official to ensure that I am implementing best practices in my office for the duration of my tenure, should I be confirmed.

**C. You reserve the right, in your ethics agreement, to seek a waiver from your recusals in accordance with 5 C.F.R. § 2635.502(d). Under what circumstances would you seek such a waiver? Would you commit to making any such waiver request public?**

**Response:** I do not know under what circumstances I might seek a waiver because I do not anticipate doing so. However, should I seek a waiver from the Designated Agency Ethics Official, I will discuss whether such a request should be made public.

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**D. You were widely reported in the press as heading President-elect Trump's transition team for the Department of the Interior, but make no mention of it in your questionnaire.**

- 1. Did you serve on President-elect Trump's transition team for the Department of the Interior? If so, in what capacity? Beginning when and ending when?**
- 2. Were you compensated for your service on the transition team?**
- 3. Were you still employed by your law firm while serving on the transition team? Were you still receiving compensation from your law firm while working for the transition team?**
- 4. Did you sign the transition team's ethics pledge? If so, please provide a copy.**

**Response to D1-4:** I served on the President's transition team throughout the transition as a part-time, unpaid volunteer from approximately September 19<sup>th</sup> through the inauguration.

Question number 8 of the Committee's Statement for Completion by Presidential Nominees, which I was asked by the Committee to complete, requests material related to employment positions held since college. I fully responded to that question. In addition, my response is consistent with the personal statement of other nominees who have come before this Committee, reported participation in the transition activities of prior administrations, but did not cite any transition activities in response to the employment question.

While I am unable to provide you copy of any ethics agreement I signed for that service, it is my understanding that one version of a Trump For America Ethical Code of Conduct is publically available through the world wide web at <http://www.wsj.com/public/resources/documents/ethicscode.pdf>.

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**Question 4: Recusals from Conflicts of Interest**

**A. Do you believe that your representation of some of your clients—like Westlands or Cadiz—has been so substantial that a reasonable person might question your impartiality beyond the one-year period in your recusal agreement and the two-year period in your ethics pledge under President’s Trump executive order?**

**Response:** No, nor do I believe would a reasonable person, after a 2 year period.

**B. Would you be willing to recuse yourself from particular matters involving those clients for the duration of your tenure at the Interior Department?**

**Response:** I believe that public trust is a public responsibility and that maintaining an ethical culture is important. I will fully comply with the ethics agreement that I signed. As I stated at the hearing, for the duration of my service I intend to actively seek and consult with the Department’s Designated Agency Ethics Official regarding particular matters involving specific parties of former clients or entities represented by my former firm. In addition, I will install a robust screening process, should one not exist within the office.

That said, on May 4, 2017, the Committee on Energy and Natural Resources received correspondence from the General Counsel of the United States Office of Government Ethics, David J. Apol.

Mr. Apol’s correspondence included an enclosure of the “ethics agreement outlining the actions that the nominee [David Bernhardt] will undertake to avoid conflicts of interest.” Further, General Counsel Apol explained, “we [the Office of Government Ethics] believe that this nominee [David Bernhardt] is in compliance with the applicable laws and regulations governing conflicts of interest.”

In addition, I have reviewed some of the prior ethics agreements provided to the Committee in the past. There is a striking degree of consistency between the ethics agreement that I provided to, and that was certified by, Mr. Apol and the prior agreements provided by other nominees to positions within the Department of the Interior who worked in large private law firms representing similar clients, and in some cases the same clients. Indeed, nominees with very similar ethics agreements were favorably reported out of the Committee subsequent to the publication of the Inspector General’s Report you referenced in your recent letter to me.

Given General Counsel Apol’s determination that the ethics agreement I signed complies with the Office of Government Ethics’ regulations and the applicable laws governing conflicts of interest, as well as the obvious similarity between that ethics agreement and those the Committee previously found sufficiently clear to proceed with the nomination, with your personal support, I reaffirm that I will comply with the ethics agreement that I have signed.

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**Question 5: Service on the Presidential Transition Team**

Regarding your service on the Presidential Transition Team for Donald J. Trump, please answer the following questions:

**A. Did you discuss any matter or issue for which you or your firm provide legal or lobbying services with the Presidential Transition Team? If so, what matters or issues? Please list them.**

**Response:** I was not involved in any particular transition matter for which I or my firm provided legal or lobbying services.

**B. As a lawyer, do you believe that a Presidential transition team's non-disclosure agreement authorizes the withholding of information from Congress?**

**Response:** No.

**Question 6: Antiquities Act**

**Do you agree with President Trump that the use of the Antiquities Act to designate national monuments is an "egregious abuse of federal power?" If so, please provide specific examples of national monuments designations that you believe reflect an abuse of federal power.**

**Response:** As I stated at my hearing, any decisions on monument designations will be made by President Trump. He has stated that public outreach and proper coordination with state, tribal, and local officials and other relevant stakeholders are key elements of any designation, and I agree with this view. I understand that Secretary Zinke is currently reviewing certain monument designations made since 1996. If confirmed, I will support the Secretary and President as appropriate.

**Question 7: Offshore Drilling**

**A. Please provide a list of the clients for which you have provided lobbying or litigation services since January 2009, on matters pertaining to federal leasing policies on the Outer Continental Shelf. Please identify the matters on which you lobbied and the litigation in which you represented each client.**

**Response:** Please see question 20 of the Statement of Completion by Presidential Nominees, which references Cobalt International Energy Incorporated. I have also represented the National Oceans Industry Association as a defendant intervenor in a federal district court case in the United States District Court for the District of Columbia, where judgement was

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entered on March 12, 2014.

**B. Please identify which clients lobbied or litigated on each of the following:**

(1) The rule entitled "Oil and Gas and Sulfur Operations in the Outer Continental Shelf- Blowout Preventer Systems and Well Control" 81 *Fed. Reg.* 25888 (April 29, 2016);

(2) The proposed rule entitled "Air Quality Control, Reporting, and Compliance," 81 *Fed. Reg.* 19718 (April 5, 2016);

(3) NOAA's Technical Memorandum NMFS-OPR-55 of July 2016 (Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing); and

(4) The Final Rule entitled "Oil and Gas and Sulfur Operations on the Outer Continental Shelf—Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf," 81 *Fed. Reg.* 46478 (July 15, 2016).

**Response:** As described in my Statement for Completion by Presidential Nominees, I have not engaged in regulated lobbying activities regarding such issues since 2013, nor have I litigated on any of the matters described in 1-4.

**C. Did you advise the Presidential Transition Team on matters pertaining to Federal Offshore Leasing policy? If so, please provide any written documentation associated with the policies you advocated.**

**Response:** My role did not include advocacy.

**D. Given your previous activities lobbying and litigating on matters relevant to federal offshore leasing policies, will you recuse yourself from activities undertaken by the Department pursuant to the Executive Order issued April 28, 2017, entitled "Implementing an America-First Offshore Energy Strategy"?**

**Response:** I believe that public trust is a public responsibility and that maintaining an ethical culture is important. If I am confirmed, I will seek the guidance of the Designated Agency Ethics Official regarding all actions that I must take to comply with my ethics agreement. I will fully comply with the ethics agreement I signed. Moreover, for the duration of my service I intend to actively seek and consult with the Department's Designated Agency Ethics Official, regarding particular matters involving specific parties of former clients or entities represented by my former firm. In addition, I will install a robust screening process, should one not exist within the office.



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**E. Do you support the current moratorium in relation to offshore drilling in the Eastern Gulf of Mexico?**

**Response:** I am aware that, in response to the President's recent Executive Order on the Outer Continental Shelf, Secretary Zinke issued a Secretarial Order 3350 directing the Bureau of Ocean Energy Management to review and develop a new five-year plan. I support the President's and Secretary's actions to examine new leasing opportunities within the OCS in order to advance the Administration's energy agenda.

**F. Do you support extending this moratorium?**

**Response:** As discussed in the response to the previous question, I support the President's and Secretary's actions aimed at increasing offshore production while balancing conservation objectives.

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**Question 8: Congressional Requests**

**I would like to clarify how you intend to treat Congressional requests for information. When you were the Director of the Office of Congressional and Legislative Affairs under President Bush, in 2003 you responded to the committee's ranking member that you were processing his request for information in accordance with the Freedom of Information Act, and that you were withholding information not subject to disclosure under that Act.**

**A. If confirmed as Deputy Secretary, what standard will you use in determining how to handle requests for information from Members of Congress? What kinds of information do you believe are exempt from disclosure when responding to Congressional requests for information?**

**Response:** The Department itself needs to carefully weigh every request from Congress and ensure it is meeting the needs of Congress to facilitate harmonious relationships with you and this Committee. As I stated in 2006, my personal view is that the Department of the Interior needs to provide full disclosure to Members of Congress, subject to the Department of Justice's guidelines. In 1998, the Chief of Staff for the Secretary of the Interior promulgated guidance for the Department and stated in that guidance that was to treat requests from individual members under FOIA. Since that time, I have reviewed the Department of Justice's guidelines and I think that the Department's 1998 guidance missed a number of caveats that were contained within the Department of Justice's guidelines.

**B. Does the Administration have a formal or informal policy of not responding to requests for information from Democratic Members of Congress?**

**Response:** Not to my knowledge.

**C. Will you commit to responding in a timely manner to all Congressional questions or informational requests, whether submitted by a Republican or Democratic member?**

**Response:** I expect the Office of Congressional Affairs to make its best efforts to do so.

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**Question 9: Use of Public Lands**

**A. Do you believe that extractive development (such as oil, gas, mining etc.) is inherently a better use of our public lands than using those lands for conservation or outdoor recreation use? Can you provide any specific examples of where you have advocated conservation or recreation purposes over development of specific public lands?**

**Response:** I do not believe that extractive development is an inherently better use. A specific example of advocating for conservation was the resolution of the National Park Service claims for the Black Canyon of the Gunnison reserved water rights.

**B. Is there any case of suspending energy or mineral extraction on federal lands that you would support, and, if so, what would be an appropriate case for a Secretary or President to do so?**

**Response:** I am in agreement with Secretary Zinke that development can and should be conducted in accordance with the principles of multiple use. If confirmed, I will work with the Secretary to balance uses, including hunting, fishing, hiking, and other forms of recreation, which play an important role on public lands.

**Question 10: Impact of Trump Budget Proposal**

**The President's initial budget request for the Department of the Interior is \$11.6 billion for FY 2018, a \$1.5 billion or 12 percent decrease from the currently enacted spending level. If confirmed as Deputy Secretary, you will be the chief operating officer for the department. What would the impact be of a 12 percent budget cut be on the department, including on tribal programs, on national park operations, and other key agency programs?**

**Response:** The impact of such a cut would depend on how the 12 percent cut was allocated or structured, which is information that I do not have access to at this time.

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**Question 11: Hardrock Mining**

**Hardrock mines pay no federal reclamation fee, unlike coal mines. Nor do they pay any royalty. In his confirmation hearing, Secretary Zinke stated that “this is where we need to have the discussion. [...] And I’ll be glad to work with you on it because it needs to be fair.” Do you agree with Secretary Zinke that hardrock mines on federal land should get a similar treatment to keep our policies fair?**

**Response:** I agree with Secretary Zinke that we should have the discussion and that it needs to be fair.

**Question 12: Coal Moratorium**

**On March 29, Secretary Zinke ended a moratorium on federal coal leasing and all work on a programmatic environmental impact statement (EIS) begun under Secretary Jewell. Last week, a group of states sued the Department for violating the National Environmental Policy Act, given the Secretary’s claim that “the public interest is not served” by continuing the BLM’s scientific review. Given your experience with the Department’s alternation of scientific conclusions under Secretary Norton, do you think it is credible or legally defensible for the Department to ignore the science already reviewed by the BLM in its January scoping report?**

**Response:** I reject the premise of your question, and I have not reviewed the referenced report. Should I be confirmed, I would be happy to opine. I am skeptical that “science” was ignored.

**Question 13: Coal**

**On March 29, 2016, Secretary Zinke announced that a comprehensive review of the federal coal program would be terminated, along with lifting a moratorium on significant new coal leases pending the outcome of that review.**

**A. Do you agree that the federal coal leasing program is flawed and needs to be modernized, consistent with two decades or more of independent audits and evaluations?**

**Response:** I believe that most programs, including the coal program, could be modernized and improved, but I have not reviewed the mentioned reports.

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**B. Will you commit to addressing these long-standing problems and ensure that Americans receive a fair economic return for these public resources before significant new leasing occurs?**

**Response:** I am committed to ensuring that American taxpayers receive a fair return for public resources.

**Question 14: Improving BLM Oil and Gas Permitting Practices**

**In a recently published report, the GAO identified insufficiencies in the BLM's practices with respect to the development of oil and gas on Federal lands. In particular, after investigating 42 BLM offices, the GAO found that the extent to which the BLM approves requests for exceptions to environmental lease and permit requirements is unknown. The BLM doesn't keep records of who actually submits exception requests, nor does it keep records of request determinations – which raises the question of whether the agency can meet its statutory environmental responsibilities. The same is true for inspections. The GAO found that the BLM didn't use data from site inspections to evaluate whether its permit process was protecting the environment. The BLM doesn't have procedures or guidance on how inspections should be documented and how inspection data should be used. Further, the BLM doesn't always include the public during the permitting stage of development. The GAO found that by not allowing the public to participate in drilling decisions derived from the prior public planning process, the BLM created a set of conditions that allow poor drilling practices to continue to go unchecked. Will you commit to continuing the Department's work to implement the recommendations of the GAO with respect to these issues and improving these processes?**

**Response:** If I am confirmed, I can commit that the Department will consider the GAO's recommendations and incorporate them, as appropriate.

**Question 15: Onshore Oil and Gas Royalties**

**A. Do you believe that Americans are getting a fair return under the current valuation rules for production of oil and gas on federal lands?**

**Response:** I am informed that Secretary Zinke has tasked the Royalty Policy Committee to determine whether taxpayers are getting a fair return and I look forward to the results.

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**B. Can you tell me how, if confirmed, you will work with Secretary Zinke to achieve a common goal of ensuring a fair return to taxpayers?**

**Response:** I agree that we must ensure taxpayers are getting a fair return. As stated previously, if confirmed I look forward to learning the results of the Royalty Policy Committee's efforts.

**Question 16: BLM Master Leasing Plans**

**Master leasing plans (MLPs) were designed to provide a legal framework for evaluating oil and gas proposals, in particular because as recently as 2009, BLM staff "believed they were required by law to give greater deference to mineral leasing proposals than to the protection of other land uses..." Do you agree that MLPs are necessary in removing ambiguity around multiple land use?**

**Response:** I agree that clear guidance is a necessary component of successful policies. I would need to learn more about the framework to provide a meaningful response to this question. If I am confirmed I would be happy to get up to speed on the issue and meet with you to discuss it further.

**Question 17: Taylor Energy**

- A. If confirmed, will you ensure that Taylor Energy will remain financially responsible to respond to the ongoing oil discharge from the well?**
- B. Since your firm worked directly with Taylor Energy, will you recuse yourself from all future work on this topic since you advocated for one particular outcome in the past?**

**Response to A and B:** I believe that public trust is a public responsibility and that maintaining an ethical culture is important. If I am confirmed, I intend to seek the guidance of the Designated Agency Ethics Official regarding all actions that I need to take to comply with my ethics agreement. I will fully comply with the ethics agreement I signed. Moreover, for the duration of my service, I intend to actively seek and consult with the Department's Designated Agency Ethics Official regarding particular matters involving specific parties of former clients or entities represented by my former firm. In addition, I will install a robust screening process, should one not exist within the office.

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**Question 18: Arctic**

**You recently served as Counsel to the State of Alaska in *State of Alaska v. Jewell, et al*, which challenged the Department of the Interior's decision to deny the state a permit for exploratory oil and gas studies in the 1002 section of the Arctic National Wildlife Refuge. Due to your inability to maintain impartiality on this issue, will you recuse yourself from issues relating to drilling in the Arctic National Wildlife Refuge?**

**Response:** I reject the premise of your question, which appears to be that litigation on a particular legal question regarding whether the lawfulness of Department of the Interior actions creates a presumption of permanent partiality on different matters. I believe that public trust is a public responsibility and that maintaining an ethical culture is important. If I am confirmed, I will seek the guidance of the Designated Agency Ethics Official regarding all actions that I need to take to comply with my ethics agreement. I will fully comply with the ethics agreement I have signed. For the duration of my service, I intend to actively seek and consult with the Department's Designated Agency Ethics Official regarding particular matters involving specific parties of former clients or entities represented by my former firm. In addition, I will install a robust screening process, should one not exist within the office.



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**Question 19: Bush Administration Scandals**

**During your time as Solicitor at the Department of the Interior under President George W. Bush, the Deputy Assistant Secretary for Fish, Wildlife and Parks—Julie MacDonald—resigned her position after being found to have committed unethical activities, specifically pressuring Fish and Wildlife Service scientists to alter findings and data to suit political ends in regards to Endangered Species Act determinations. In the Inspector General's report on this scandal, it was pointed out that you had been very involved in ESA decisions and were the person who would make final decisions on such matters should a dispute arise. Can you give an account of your involvement in tampering with scientific findings and in the Julie MacDonald issue on the whole? Do you currently work with Ms. MacDonald in her role with Westlands Water District?**

**Response:** I became involved with matters related to the Endangered Species Act because the listing, critical habitat, and litigation defense process seemed broken as I evaluated the work of the Office of the Solicitor. The implementation program, from a legal review process, was a mess. Indeed, it is demonstrated in the report you reference that some lawyers

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in the Solicitor's Office had found packages drafted in the field and region to be not legally sufficient for years – and not merely as result of the actions of the Deputy Assistant Secretary. I thought this was a serious problem, and I knew improvements to the Office of the Solicitor's role were necessary to support these decisions. As a result of reaching this conclusion, I took various steps to address the challenges shortly after I was sworn in as Solicitor. For example, one of my first acts as Solicitor was to provide clear direction on what it meant to complete a legal review as an office of the Solicitor attorney, and my expectations as to how issues should be elevated to reach resolution if the bureau's client representatives were not accepting the legal advice that was provided. In addition, I began an effort to evaluate certain questions to evaluate the defensibility of legal positions that did not appear successful and to address other questions the U.S. Fish and Wildlife Service seemed to be grappling with.

I was not involved in tampering with scientific findings, and any such inference is wrong.

As I explained, I put in place mechanisms to ensure that lawyers' comments on flawed packages were elevated through the ranks all the way to the Deputy Secretary, if necessary, to ensure such matters were resolved. It is concerning that such mechanisms appear to have not remained in place in recent years.

I am not aware of any referenced role Ms. MacDonald has with Westlands Water District.

**Question 20: Maintaining Public Lands**

**Secretary Zinke has stated plainly to this committee that he will not sell or transfer our public lands. Will you also commit to keeping our public lands in the federal estate?**

**Response:** I share Secretary Zinke's opposition to the sale or wide scale transfer of federal lands. As the Secretary offered in his written responses to this Committee, "...there are some situations in which commitments have previously been made, inholdings need to be swapped or exchanged, or land banks are well situated to address the needs of growing urban areas, where limited transfer is appropriate." I would need to review such proposals before making any decisions.

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**Question 21: Methane**

**As you know, the BLM Methane and Natural Gas Waste Prevention rule is in effect after some in Congress failed last week to nullify the rule under the Congressional Review Act.**

- A. Prior to your service on the President-elect's transition team, did you engage in lobbying on behalf of oil and gas clients on this rule?**

**Response:** No, I have not engaged in regulated lobbying on this issue.

- B. What are your plans for effectively implementing this rule to ensure producers do not waste valuable energy resources we all own, while exercising the considerable flexibility built into the rule to contain the costs of compliance.**

**Response:** I echo the Secretary's commitment to ensuring that the American taxpayers get a fair return from natural resource development on federal lands. If confirmed, I will support the Secretary's efforts to review this regulation, in addition to other programs at the Department, and to evaluate whether there are opportunities to ensure that fair return is captured.

**Question 22: Wilderness**

**Our nation's public lands are incredible assets to the country that support a booming outdoor recreation economy as well as clean air, clean water, and healthy ecosystems for wildlife. At the core of these public lands are the designated wilderness areas across the country that provide the most rugged, wild, outdoor experiences one can have.**

**Will you commit as Deputy Secretary of Interior to protecting and enhancing these incredible places so that their wilderness values are upheld for all future generations of Americans to enjoy?**

**Response:** Like you, in general, I find wilderness areas to provide the most rugged wild outdoor experiences one can have, and I believe they provide special solitude and enjoyment today and into the future.

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**Question 23: Tribal Consultation**

**Tribal Consultation is governed by Executive Order 13175 and requires consultation with tribes on all “Policies that have tribal implications,” including “regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.” Will you fully comply with and Tribal consultation requirements and ensure that the Department will conduct meaningful tribal consultation on all policies that have tribal implications?**

**Response:** As I indicated at the hearing, I appreciate the importance of tribal consultation, take consultation seriously, and commit to consult with tribes.

**Question 24: Trust responsibility to Tribes**

**The federal government has moral and legal obligations to uphold its treaty and trust responsibilities to Native Americans and engage with tribes on a government-to-government basis. This government-to-government relationship is the basis for tribal consultation, the process by which the United States engages in a meaningful, good-faith dialogue with tribes. Interior, by virtue of its role in Native American affairs, plays a prominent part in how the government engages in tribal consultation.**

- A. If confirmed, will you uphold the federal trust responsibility and ensure that tribes are provided with adequate government-to-government consultation on any issue that may affect them?**
- B. In the wake of the Dakota Access Pipeline, three federal agencies, including Interior, published a report in January 2017 entitled, “Improving Tribal Consultation and Tribal Involvement in Federal Infrastructure Decisions.” The subject of months-long consultation across Indian country, this report sets forth a number of recommendations to improve the process for permitting and infrastructure development. What steps do you intend to take to incorporate this report into the agency’s decision-making process?**

**Response to A. and B.:** Before I was out of law school, I was receiving lessons outside class on the meaning of the federal government’s trust responsibility from a remarkable tribal leader and his longtime attorney, as they tried to advocate their interests in Congress. They both had a very a significant impact on the development of my perspective of the trust responsibility and self-determination. I am not familiar with the report published by the previous Administration, but as I indicated at the hearing, I appreciate the importance of tribal consultation and take it and the trust responsibility seriously.

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More important than my views, however, are the words of Tribes who know me, such as the Southern Ute Tribe, which has stated its belief that I “am well positioned to help lead the Department of the Interior in a manner that respects the federal trust responsibility to Indian tribes and empowers tribal communities to exercise greater self-determination.”

**Question 25: Co-management with Tribes**

**Do you believe in co management when tribes have a significant interest in cultural preservation of an area?**

**Response:** I think co-management can be appropriate. From my perspective, it is appropriate to consider such matters on a case-by-case basis. I believe it is worth looking at and accommodating, where appropriate.

**Question 26: Tribal Trust**

**Secretary Zinke recently stated that tribes should have an “off-ramp” with regard to the Indian Reorganization Act – that tribes should “have a choice of leaving Indian trust lands and becoming a corporation . . .” The last time an administration attempted to privatize Indian lands was nearly seventy years, when Congress terminated more than one hundred tribes and small bands, depriving nearly 1.4 million acres of land of federal trust protections. In most cases, the impact of termination on a tribe was to increase poverty.**

**A. Can you please clarify the Secretary’s remarks regarding privatizing Indian country?**

**Response:** I am not aware of the remarks.

**B. Can you please share your views on the importance the Administration will place on the land to trust process?**

**Response:** I have not discussed this issue with the Secretary or anyone in the Administration and thus have not formed a view.

**Question 27: Tribal Land into Trust**

**Restoring tribal homelands rebuilds tribal land bases and strengthens the relationship between tribes and the federal government. It also makes administering justice and engaging in economic development easier by reducing checkerboard landholdings. During your time at the Department of the Interior, it is reported that the Department imposed a de facto moratorium on land into trust acquisitions through agency**

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memorandums.

- A. Can I get a commitment from you that the Interior Department will not put in place a land into trust moratorium? If you can't make that commitment, would you at least commit to a transparent process that prioritizes meaningful consultation with tribes and tribal organizations - on an open and fair basis – so their voices can be heard on any proposed changes to the Department's land into trust procedures?**

**Response:** I will commit to learning more about the matter and talking to your staff.

- B. In 2008, the Department of the Interior, through then-Assistant Secretary Carl Artman, finalized guidance for restricting land to be taken into trust related to gaming. The Department did not consult with tribes in drafting this guidance. Can I get a commitment from you that the Interior Department will consult with tribes on a government-to-government basis when developing any additional guidance or regulations as it pertains to land into trust acquisitions?**

**Response:** I am not sure what, if any, actions have been taken regarding this matter, but in general, I support consultation.

**Question 28: Tribal Sovereignty**

**Well-settled principals of tribal sovereignty provide that tribes be free from interference of state and local jurisdictions. While you were Solicitor, however, you spearheaded sweeping changes to Interior's off-reservation trust acquisitions by requiring memoranda of understanding between local governments and the tribal applicants, effectively giving localities veto authority over trust acquisitions.**

- A. What role do you believe is appropriate for state and local governments to play in a tribe's economic development vis-à-vis the land into trust process?**
- B. Please state the bases of authority—contained within the Indian Reorganization Act or elsewhere in law—that authorizes Interior to elevate the concerns of states over that of tribes.**

**Response:** Because I am not currently at the Department, I would need to review the current land into trust procedures and process, if confirmed.

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**Question 29: Tribal Energy**

As the Department of Energy laid out during a recent Tribal Energy summit, the potential for renewable energy in Indian Country is enormous. While reservations account for 2% of the nation's land mass, they hold 5% of the nation's potential renewable energy resources. The Department of Energy also estimates that wind power from tribal lands could satisfy 32% of the total U.S. electricity demand. And solar production from Indian lands could generate enough energy to power the country two times over.

We've also heard from the GAO that the Department of the Interior is turning its attention to conventional fossil fuels for development, this despite the upward trajectory of renewables.

What role do you think renewable energy should play in energy development in Indian Country?

**Response:** I believe it can play a significant role. The Secretary has made it one of his highest priorities that tribes should be able to make their own decisions regarding what type of resource development, including renewable energy, will best benefit each individual tribe. I support the President's and the Secretary's goals.

**Question 30: Tribal Gaming**

While you were with the Department of the Interior, the agency implemented a number of sweeping regulatory changes that had the effect of slowing down gaming approvals. Yet the Indian Gaming Regulatory Act provides tribes, states, and the surrounding counties with billions of dollars nationally.

**A. Do you intend to seek changes to implementation of the Indian Gaming Regulatory Act, either by regulation or through official or unofficial agency guidance??**

**Response:** Because I am not at the Department, I cannot speak to the Department of the Interior's plans on this matter or whether changes might be considered for this program.

**B. Do you commit to engaging in meaningful consultation with tribes on any changes this Department makes to how it implements the Indian Gaming Regulatory Act?**

**Response:** As I have indicated previously, I support consultation.



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**Question 31: Federal Recognition**

The Executive branch has recognized tribes through executive orders and other federal action for more than a century, and Interior first promulgated regulations on this process more than forty years ago, in 1978. Federal recognition is extremely powerful: it allows a tribe to exercise its sovereign status on equal footing with states, with the full panoply of associated rights, such as the right to tax and assert civil and criminal jurisdiction. Also with federal recognition comes eligibility for federally-funded services such as health care and housing assistance. Given the importance of the decision to recognize a tribe, Interior has put in place a process intended to be free of political considerations.

As Deputy, what steps will you take to ensure the process is free from political interference?

**Response:** I am not familiar with the current state of the federal recognition process and will examine the current regulations, visit with career staff, and meet with you to discuss appropriate steps.

**Question 32: Coal self-bonding**

A significant number of coal companies filed for bankruptcy last Congress. These bankruptcies highlighted the fact that federal and state coal reclamation performance bonding requirements are inadequate. In response, the Department took important steps to begin address its financial assurance rules under the Surface Mining Control and Reclamation Act, including implementation by states of those rules. Earlier this year, the GAO concluded that across a range of federal energy and natural resources, coal alone benefits from being able to “self-bond” in order to meet reclamation performance requirements.

Will you commit to continuing the Department’s important work to reform the financial assurance rules for coal in light of lessons learned from the recent slate of bankruptcies?

**Response:** I am not familiar with the current status of the Department’s financial assurance regulations under the Surface Mining Control and Reclamation Act. If confirmed, I will commit to becoming better acquainted with the issue.

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**Questions from Senator John Barrasso**

**Question 1: Among the Obama Administration’s particularly harmful regulations is the Bureau of Land Management’s “Waste Prevention, Production Subject to Royalties, and Resource Conservation” rule regarding venting and flaring of methane on federal and Indian lands. I believe this rule is unnecessary, costly, and duplicative of existing state and federal regulations. Please explain the steps you will take to address this rule and similar duplicative rules, and to prevent future duplicative regulations from being issued.**

**Response:** I have not yet had any substantive interaction with the Department on implementing the President’s America First Energy Plan. However, closely examining regulations to eliminate those that are duplicative and burdensome will be a start. A brighter future depends on energy policies that stimulate our economy, ensure our security, and protect our health.

**Question 2: In Wyoming, there are plans underway to expand surface water storage capacity. For too long, the permitting review process at the Department of the Interior has proven to be more timely and costly than necessary. This uncertainty threatens project funding and completion. If confirmed, will you commit to improving and streamlining the process to insure that timely communications with applicants occur and decisions on water storage facility permits are made?**

**Response:** If confirmed, I will look into this matter. I recognize the need to streamline and expedite the consideration of water storage projects, as these projects have the potential to provide numerous benefits, including reliable water supplies, flood control, hydropower, and water quality improvements.

**Question 3: Permitting on federal lands frequently requires mitigation of some kind. The Obama Administration took many liberties with the concept of mitigation, including issuing a revised Department-wide strategy and suggesting that advanced mitigation should be the future standard. What guidance would you give the Department to ensure there are clear, consistent guidelines for mitigation in the future?**

**Response:** If confirmed, I would work to ensure that program authorizations are examined to confirm whether the Department’s legal mandates establish when and how mitigation could be charged, along with appropriate sideboard.

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**Question 4: What roles do you believe public land and private land/private investment should have in the future of mitigation, and are these roles different?**

**Response:** I want to ensure that the Department's actions regarding on or off site mitigation requirements are well grounded in the law, if confirmed I will review the Department's statutes and regulations and discuss the matter with Secretary Zinke before offering an opinion.

**Question 5: While the Forest Service is housed in the Department of Agriculture, cohesive and coordinated management between the Forest Service and the Department of Interior is critical in addressing the risk of catastrophic wildfire. How would you work with Secretary Perdue, and staff at the Department of Agriculture to improve forest and fire management on multi-agency fires?**

**Response:** I agree that maximizing coordination between the Department of the Interior and the Department of Agriculture on multi-agency fires is an important approach, and if confirmed I will support pursuing ways of improving cohesive and coordinated fire management between the agencies.

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**Questions from Senator Ron Wyden**

**Question 1:** On Secure Rural Schools, I expect you to be engaged and helpful in getting a long-term solution on this important issue. As you know, I coauthored the original Secure Rural Schools bill because counties were struggling, and it is just as important today as it was then. Faced with continued budget shortfalls, rural counties are forced to make difficult cuts to libraries, schools, and infrastructure projects, and do more with less. I understand that many of my colleagues will need to see forest management reforms as part of any long-term SRS solution. I want to be clear that I take a back seat to no one when it comes to tackling tough forestry issues, including increasing timber harvest, which is what my O&C bill did. But it must be done in a sustainable way that does not stomp on our bedrock environmental laws. Tying the well-being of rural economies to unsustainable logging levels is a dead-end, leading the counties to exactly the same gridlock they are facing now while depleting our nation's forests.

**Mr. Bernhardt, short-term reauthorizations of SRS are simply not adequate for rural counties working to manage budgets each year. Will you commit to working with Congress towards a long-term solution for SRS?**

**Response:** Yes, I will commit to working with you and other Members of Congress on the issue.

**Question 2:** I have long said that land management decisions are best made through a deliberative process that includes broad stakeholder engagement and thorough consideration of local concerns. Recently there have been reports that the Department has suddenly postponed meetings of Resource Advisory Councils (RACs) until September. RACs are a great example of bottom-up land management, and should serve as a model for stakeholder engagement.

**As Deputy Secretary, what steps will you take to ensure local voices, including RACs, have opportunities to provide input and take part in the process at all times, not just when those local voices align with the goals of the administration?**

**Response:** Like you, I believe collaboration and listening to varied views are important. I would need to learn more about the specific issues here to have specific steps to recommend.

**Question 3:** I was very disappointed to see the President's Executive Order calling for a review of national monument designations and to learn that Secretary Zinke will be reviewing the Cascade-Siskiyou National Monument's recent expansion. The original monument designation in 2000 and its expansion both received significant and broad local support, and the public was given the opportunity in both designations to be a part of the process.

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**As Deputy Secretary, what will be your role in reviewing and evaluating monuments?**

**Response:** If confirmed, I do not know if I will have any role in this process.

**Will your review of monument designations ensure the overwhelming public support for monuments like Cascade-Siskiyou are respected, even if that public support is in opposition to the Administration's goals?**

**Response:** I believe that where a monument has the support of its local community, state, and congressional delegation, the Administration would be wise to listen to such consensus.

**Question 4:** Mr. Bernhardt, the Department of the Interior's Land Buy-Back Program for Tribal Nations implements the land consolidation component of the *Cobell* Settlement, a component that provided \$1.9 billion for tribes to consolidate tribal homelands. This program is vital for the economic development of Tribal communities across the United States, works to promote self-sufficiency, and is a necessary step in repairing years of injustice committed against Tribes in Oregon and throughout the United States.

**The Administration recently sent a letter to tribal leaders on May 9 of this year, in which the Administration expressed its intent to undertake a "brief strategy review period" regarding this important program. Please walk me through how you intend to implement the Buy-Back Program.**

**Response:** I am not aware of the letter, and I have limited knowledge of this program. If confirmed, I would be happy to learn more about the issue and meet with you.

**Should the Department of Interior propose changes to the Buy-Back Program, how will Interior ensure Tribes are provided opportunities for meaningful input?**

**Response:** As I indicated in the previous response, I am not aware of the letter, and I have limited knowledge of this program. If confirmed, I would be happy to learn more about the issue and meet with you.

**What do you believe are appropriate steps the Department of the Interior should take to address the issue of fractionalization once the Buy-Back program exhausts the fund?**

**Response:** I have limited knowledge of this program. If confirmed, I would be happy to learn more about the issue and meet with you.

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**Question 5:** Recreational, commercial, and tribal fishing groups in Oregon are very concerned about how water allocation will affect salmon and steelhead runs, especially in the Klamath river basin. In fact, due to extremely low numbers of Chinook salmon returning to the Klamath drainage, the Pacific Fisheries Management Council closed entire salmon fishery south of Humbug Mountain to Eureka, CA for the entire 2017 season.

**Citing your previous work for the Westlands Water District and the risk that excess pumping of water during drought years poses to both endangered species as well as fishermen reliant on adequate river flows, how will you balance the needs of agribusinesses with those of the fishing community and the environment?**

**Response:** First, I will follow my recusals. That said, I will enter questions with an open mind. More important, if appropriate, I would be interested in meeting with your constituents, who are concerned, to learn more about their perspective, their concerns, and the impact these closures have on them, and their suggested solutions.

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**Questions from Senator Bernard Sanders**

**Climate change**

**Question 1: President Trump has suggested in the past that climate change is a hoax. Is the President correct? Is climate change a hoax?**

**Response:** As I indicated at the hearing, I believe that man is an influence on climate change.

**Question 2: Do you agree with the vast majority of scientists that climate change is real, it is caused by human activity, and that we must aggressively transition away from fossil fuels toward energy efficiency and sustainable energy like wind, solar, and geothermal?**

**Response:** As I indicated at my hearing, I believe that man is an influence on climate change. I agree we need to produce renewable energy.

**Question 3: Do you agree with the vast majority of scientists that the combustion of fossil fuels contributes to climate change?**

**Response:** Yes.

**Question 4: Do you believe that the Department of the Interior has a role in reducing the extraction and use of fossil fuels?**

**Response:** I am not aware that Congress has ever provided that direction to the Department of the Interior.

**Question 5: If confirmed, how will you work to address climate change?**

**Response:** I will work to understand it better and pursue adaptive management strategies, as appropriate.



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**Congressional Relations**

**Question 6: While you were the Director of Congressional Relations for the Department of the Interior under President George W. Bush, you took the position that you did not need to be responsive to Democratic Congressional Members and Staff. Do you commit that, if confirmed, you will respond to all relevant inquiries from all Members of Congress, regardless of party or position?**

**Response:** I do not believe your depiction is accurate. The Department itself needs to carefully weigh every request from Congress and insure it is meeting the needs of Congress to ensure harmonious relationships with you and this committee. As I stated in my 2006, my personal view is that the Department of the Interior needs to provide full disclosure to Members of Congress, subject to the Department of Justice's guidelines. In 1998, the Chief of Staff for the Secretary of the Interior promulgated guidance for the Department and stated in that guidance that was to treat requests from individual members under FOIA. Since that time, I have reviewed the Department of Justice's guidelines and I think that the Department's 1998 guidance missed a number of caveats that were contained within the Department of Justice guidelines.

**Question 7: If confirmed, do you commit to assuring staff in the Office of the Secretary, including the Office of Congressional and Legislative Affairs, will respond to all relevant inquiries from all Members of Congress, regardless of party or position?**

**Response:** I expect the Office of Congressional and Legislative Affairs to make its best efforts to do so.

**Conservation Cooperatives**

**Question 8: In Vermont, the North Atlantic Landscape Conservation Cooperative and University of Vermont's Cooperative Fish and Wildlife Research Unit provide critical scientific information used by natural resource managers, communities, and citizens. Do you support these types of programs, and if so, how will you ensure they are strengthened at the Department of Interior?**

**Response:** As I indicated at the hearing, the Department and its bureaus should base decisions on available science. Regarding the specific programs that you mention, I would need to learn more about them to provide a meaningful response to this question.

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**Energy Policy**

**Question 9: What are the policy implications of the President's America First Energy Plan for the Department of Interior? How will you implement the plan?**

**Response:** Greater energy independence. If confirmed, I look forward to helping the Secretary implement the President's vision, and to engaging in policy discussions and implementation efforts.

**Endangered Species Act**

**Question 10: In the past, including during your testimony to the House Natural Resources Committee on April 19, 2016, you advocated for weakening protections for critical habitat of endangered species. If confirmed, will you continue your earlier efforts to roll back critical-habitat protections for imperiled species?**

**Response:** I did not advocate weakening protections for critical habitat of endangered species. Instead, my testimony advocated following the law. If confirmed, my focus in recommending decisions pertaining to critical habitat and ESA implementation will be on minimizing conflict and controversy associated with the Act in a manner that is consistent with the law.

**Question 11: As Solicitor at the Department of the Interior, you authored a controversial opinion, "The Meaning of 'In Danger of Extinction Throughout All or a Significant Portion of its Range,'" that was widely criticized by scientists for its failure to grasp the biological realities of extinction and whose central premise was rejected by multiple courts. Do you stand by the assertions made in the opinion? If confirmed, will you continue in your earlier efforts to curtail conservation measures that seek to protect and recover endangered species throughout their geographic range?**

**Response:** My efforts to address the meaning of the phrase "*all or a significant portion of its range*" had nothing to do with any effort of curtailing conservation measures. Instead, it had everything to do with helping the U.S. Fish and Wildlife Service develop a policy that might withstand legal review. The laws in our country are written not by a council of scientists but by Congress, and sometimes the agencies struggle within them. I think it is possible I will need to continue my review of these issues because on March 28<sup>th</sup> of this year, a federal district court vacated and remanded the Obama Administration's "Final Policy on Interpretation of the Phrase 'Significant Portion of Its Range' in the Endangered Species Act's Definitions of 'Endangered Species' and 'Threatened Species,'" 79 Fed. Reg. 37,578 (July 1, 2014), as it considered the agency's decision related to the pygmy owl. In that case, the court explained that the Obama's administration's

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... interpretation set forth in the Final SPR Policy impermissibly clashes with the rule against surplusage and frustrates the purposes of the ESA. *Cf. Pac. Nw. Generating Coop*, 580 F.3d at 812. Accordingly, it is not a permissible administrative construction of the ESA's SPR language. The Final SPR Policy is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law," in violation of the APA. 5 U.S.C. § 706(2)(A).

It is my view that my opinion's central premise was that in this phrase "*all or a significant portion of its range*" the word "significant" could not have the same meaning as the word "all", which should be obvious.

**Question 12: In regard to the implementation of the Endangered Species Act, do you support designating critical habitat for species, and do you believe these decisions should be based on the best scientific data available?**

**Response:** I support faithfully executing the laws that have been enacted and, if confirmed, this will include actions under the Endangered Species Act. As I indicated at the hearing, decisions should be based on sound science, however, the inclusion of section 4(b)2 of the act also specifically provides the Secretary the authority to exclude certain areas from designation under certain conditions.

**Question 13: Do you support Fish and Wildlife Service guidelines to ensure that science is the driving force behind Endangered Species Act implementation?**

**Response:** As I indicated at the hearing, decisions should be based on sound science and fall within the rubric of applicable law. I am not certain what specific guidelines your question refers to.

**Question 14: Do you support relying on independent scientists with relevant expertise to evaluate and review the data that the Fish and Wildlife Service uses when making decisions related to the implementation of the Endangered Species Act?**

**Response:** As I stated at my hearing, my view is that policy decisions should be predicated on the evaluation of science and application of the law. This view applies to my approach to ESA implementation. I believe when scientific data is evaluated on its merits and used as an information base to make policy decisions that are honest to the science, conflicts will likely be reduced and those decisions will be reliable and legally sound.

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**Question 15: Are you confident that the current process for selecting contractors and independent scientists to conduct scientific peer reviews related to the implementation of the Endangered Species Act sufficiently guards against political bias, and/or the appearance of political bias? Why or why not?**

**Response:** I am not sufficiently familiar with the current process for selecting peer reviewers and would need to learn more about the program to provide a meaningful response to your question.

**Question 16: Based on your interpretation of the Endangered Species Act and Department of the Interior policies, what are the requirements for consultation with federally recognized Native American tribes in making rulings under the Act?**

**Response:** If confirmed, I would need to evaluate the Department's current policies on consultation prior to offering my interpretation. That said, as I have stated previously I believe in consultation and need to balance consultation within the confines of the Act.

**Question 17: How could the Department of the Interior's consultation with Native American tribes concerning Endangered Species Act enforcement be improved?**

**Response:** As I am not at the Department nor up to speed on existing consultation policies, I would need to review those materials, if confirmed.

## **Fisheries**

**Question 18: Many fish populations in both marine and freshwater environments are threatened. What actions would you take to address these issues?**

**Response:** As a fisherman and former member of the Board of Game and Inland Fisheries for the Commonwealth of Virginia, I am sensitive ecological and economic value of our nation's fish populations. Much of my career has focused on finding durable solutions to the many challenges associated with threatened and endangered species recovery through the lens of the ESA both from public and private sector perspectives. Should I be confirmed, I would apply this experience and the knowledge gained through it to making recommendations that comport with the law and advance Secretary Zinke's conservation agenda.

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**Question 19: What additional actions should Department of the Interior take to prevent invasive Asian carp from invading the Great Lakes and potentially destroying the ecosystem?**

**Response:** I recognize the risk to the Great Lakes associated with the introduction of Asian carp and, if confirmed, I look forward to evaluating ongoing activities at the Department to prevent, detect and control Asian carp in order to protect the Great Lakes.

**Question 20: Will you support full funding of fisheries management activities that result in many hundreds of millions of dollars flowing through the recreational sector of the United States economy?**

**Response:** As a fisherman and former member of the Board of Game and Inland Fisheries for the Commonwealth of Virginia, I am keenly aware of the ecological and economic value of effective and informed fishery management as well as its importance for subsistence to Alaska communities. I know the U.S. Fish and Wildlife Service, working with state and local governments and other partners, maintains a network of fisheries that spans the country. Should I be confirmed, I commit to working with Secretary Zinke, the Administration, and the Congress to facilitate appropriate funding for fisheries consistent with the President's budget and priorities.

**Question 21: What are your specific priorities for the management of the Great Lakes and Lake Champlain fisheries?**

**Response:** My view is that effective resource management decisions hinge on sound science applied within the contours of the law. Within this framework, my priorities will be to advance Secretary Zinke's conservation agenda in a manner that is rooted in and supported by input from a wide array of stakeholders, particularly those state and local communities most directly affected by the decisions the Department makes.

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**Fossil Fuels**

**Question 22: According to recent studies, the quantity of federal fossil fuels already under lease exceeds the amount that can be burned and still meet our commitments to reduce domestic greenhouse gas emissions, keeping average global temperature below 2 degrees Celsius. The Department of the Interior is responsible for managing fossil fuel development on public lands and waters. Would you take action to ensure federal fossil fuel leasing decisions are consistent with our national and international climate commitments? Do you support a moratorium on fossil fuels extraction on federally-owned public lands and waters?**

**Response:** I am a believer in an all-of-the-above energy strategy and, if confirmed as Deputy Secretary, I would support the Secretary's efforts to foster responsible development of wind, solar, hydro, coal, oil, and natural gas on federal and tribal lands.

**Question 23: President Trump campaigned on the promise of bringing the coal industry back and restoring thousands of coal jobs. Many economic and policy analysts agree that the decline in coal production has more to do with the increase in natural gas production than environmental regulations. What is your assessment?**

**Response:** The Energy Information Administration has projected that coal will remain an important part of the American fuel mix for decades.

**Question 24: What role do you think the Department of the Interior can play in transitioning our country away from fossil fuels?**

**Response:** The role of the Department of the Interior is to make energy resources on federal lands available for development, as appropriate; it is not to select winners and losers among energy sources.

**Question 25: Will you encourage wind and solar generation on lands managed by the Department of the Interior?**

**Response:** I support an all-of-the-above energy approach, which includes wind and solar.

**Question 26: Do you agree that there are places that are too unique, either for historical, cultural, environmental, wildlife, or similar reasons, to open up to fossil fuel development?**

**Response:** Yes, along with other important factors, the characteristics your question references are among those it is appropriate to consider when making decisions about where and how development takes place.

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**Question 27:** President Obama withdrew significant portions of the Arctic and Atlantic Oceans from oil and gas development. The reasons he cited for this action include the irreplaceable value of these waters for Indigenous, Alaska Native, and local communities' subsistence activities, economies, and cultures; protection of wildlife and wildlife habitat; promotion of scientific research; and the vulnerability of these ecosystems to an oil spill, which would present significant logistical, operational, safety and scientific challenges for extraction and spill response. In addition, President Obama noted that by the time oil production could begin in these areas, our nation needed to be well on our way to transitioning to clean, renewable energy sources.

In President Trump's Executive Order of April 28, 2017 on Offshore Energy Strategy for the Five Year Offshore Leasing Program, President Trump modified President Obama's withdrawal, and opened these areas for leasing consideration. This Executive Order directs the Department of the Interior to review the Five Year Offshore Leasing Program. **Notwithstanding DOI's statutory requirement to analyze all available leasing areas, if confirmed, will you commit to the highest environmental protections for the Atlantic Region, Pacific Region, and Alaska Region, including the Beaufort, Chukchi, and North Aleutian Basin Planning Areas commensurate with those provided by the Obama Administration?**

**Response:** Because I am not at the Department, I am unaware of the details regarding the ongoing review of the Five Year Offshore Leasing Program.

**Question 28:** The Gulf of Mexico and Gulf Coast communities are on the front lines of climate disruption and fossil fuel extraction. Many communities, primarily low-income and communities of color, suffer daily from environmental injustices related to the fossil fuel industry. **If confirmed, would you support action to extend or make permanent the drilling moratorium in the Eastern Gulf of Mexico? If confirmed, will you commit to further action to phase out fossil fuel development and promote a just transition to a clean, renewable energy-based economy along the Gulf Coast?**

**Response:** I am committed to the president's energy plan.



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**National Heritage Areas**

**Question 29: Congressionally designated National Heritage Areas (NHAs) are special places where natural, cultural, historic, and recreational resources combine to form a distinctive landscape arising from patterns of human activity shaped by geography. All NHAs tell nationally important stories through the physical features of the area and the traditions that have evolved within them. Each of the 49 NHAs in the United States is governed by separate authorizing legislation and operates under provisions unique to its resources and desired goals. As Deputy Secretary of the Interior, will you continue to support National Park Service's National Heritage Area program?**

**Response:** Yes. I understand that National Heritage Areas have provided many positive benefits to local communities.

**Question 30: All NHAs interpret and highlight nationally important stories. Heritage areas are representative of the national experience through both the physical features that remain and the traditions that have evolved within them. In recent years, funding to these heritage areas have been unequally distributed with older heritage areas receiving twice the amount of \$300,000 awarded to heritage areas created after 2006. If confirmed, will you support equal funding among all NHAs, so that decade-old heritage areas might start to meet their potential?**

**Response:** If confirmed, I commit to working with Secretary Zinke, the Administration and the Congress to ensure appropriate funding consistent with the President's budget and priorities.

**Question 31: If confirmed, will you defend the National Heritage Area program against unwarranted and harmful budget cuts?**

**Response:** Again, if confirmed, I commit to working with Secretary Zinke, the Administration and the Congress to advocate for appropriate funding consistent with the President's budget and priorities.

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**National Monuments**

**Question 32: The 1906 Antiquities Act allows the president to proclaim “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States” to be national monuments. At his nomination hearing, Secretary Zinke said of rescinding a national monument, “legally, it’s untested.” Do you believe that the President has the legal authority to overturn an existing national monument designation?**

**Response:** As I noted during the hearing, the exercise of the President’s authority under the Antiquities Act is a matter that will be evaluated by the White House Counsel. As I also noted, I am familiar with conflicting legal opinions interpreting the President’s authority under the Antiquities Act but, again, this is a matter for the White House to decide.

**Question 33: Earlier this month, the Department of the Interior revealed its list of National Monument designations that it would review under Executive Order 13792 to determine whether each designation or expansion conforms to the policy set forth in 82 FR 20429, Section 1. This section states that designations should “appropriately balance the protection of landmarks, structures, and objects against the appropriate use of Federal lands and the effects on surrounding lands and communities.” How will you instruct the Department to balance these considerations in conducting the designation reviews?**

**Response:** If confirmed, I do not know what role, if any, I will have in the monument designation review that is currently underway at the Department.

**National Parks**

**Question 34: Do you believe we should privatize the National Parks Service?**

**Response:** No. I believe that our parks are our national treasures and should serve and inspire all Americans.

**Question 35: How would you describe the economic and environmental value of the National Parks?**

**Response:** National parks provide many tangible economic benefits to our economy and to local communities, benefits that I observed growing up in a small town in Colorado.

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**Question 36: If confirmed, how will you initiate policy reforms to make the National Parks more accessible and relevant to communities of color, low-income families and people with disabilities?**

**Response:** If confirmed, I will work with the Secretary and Congress to ensure that our parks serve and inspire all Americans.

**National Wildlife Refuges**

**Question 37: How will you ensure that our National Wildlife Refuges are adequately maintained for the benefit of current and future generations of Americans?**

**Response:** As a sportsman, I understand and appreciate the importance of fish and wildlife conservation. I have applied this stewardship ethic throughout my career, from my time at Interior to my service on Virginia's Board of Game and Inland Fisheries. Should I be confirmed, I will continue my commitment to working with a wide array of stakeholders and partners, in particular states and local communities, to find solutions to conflicts; to advance Secretary's Zinke's agenda for conservation stewardship; to improve game and habitat management; and to increase outdoor recreational opportunities for this and future generations.

**National Scenic and Historic Trails**

**Question 38: Will you commit to protecting National Scenic and Historic Trails lands from fossil fuels and mineral extraction?**

**Response:** I will commit to looking into the issue. I am in agreement with Secretary Zinke that development can and should be conducted in accordance with the principles of multiple use. If confirmed, I will work with the Secretary to find a balance for all uses, including hunting, fishing, hiking, and other forms of recreation, which play an important role on public lands.

**Question 39: Will you commit to preventing fossil fuel pipelines from crossing National Scenic and Historic Trail systems?**

**Response:** I am in agreement with Secretary Zinke that development can and should be conducted in accordance with the principles of multiple use. If confirmed, I will work with the Secretary to find a balance for all uses, including hunting, fishing, hiking, and other forms of recreation, which play an important role on public lands.

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**Question 40: National Scenic and Historic Trails drive local recreation economies. What is your plan for ensuring that National Park Service funding is sufficient to maintain critical trail infrastructure such as trails, shelters, and bridges?**

**Response:** If confirmed, I commit to working with the Secretary, the President, and Members of Congress to address the many infrastructure needs of our communities.

**Public Lands**

**Question 41: Under what conditions do you believe it is appropriate to transfer federal lands to private ownership?**

**Response:** I share Secretary Zinke's opposition to the sale or wide scale transfer of federal lands. As the Secretary offered in his written responses to this Committee, "...there are some situations in which commitments have previously been made, inholdings need to be swapped or exchanged, or land banks are well situated to address the needs of growing urban areas, where limited transfer is appropriate." I would need to review such proposals before making any decisions.

**Question 42: Under what conditions do you believe it is appropriate to transfer federal lands to state ownership?**

**Response:** As I stated above, I support Secretary Zinke's commitment to federal lands.

**Question 43: You have a long career advocating and/or lobbying for big oil, gas, coal and mining corporations that operate on public lands. How can you be effective in protecting federal public lands when you will have to recuse yourself from so many of these issues?**

**Response:** I can be effective protecting public lands. For example, I resolved contentious claims on the Black Canyon of the Gunnison, protecting the National Park's assets. I believe that public trust is a public responsibility, and believe maintaining an ethical culture is important. I will fully comply with the ethics agreement I signed. Moreover, it is not my experience that the primary focus of the chief operating officer of the Department of the Interior is directed at particular matters involving specific parties, but rather larger policy and organization issues. In addition, for the duration of my service, I intend to actively seek and consult with the Department's Designated Agency Ethics Official regarding particular matters involving specific parties of former clients or entities represented by my former firm. Finally, I will install a robust screening process, should one not exist within the office.

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**Question 44: If confirmed, how will you address issues of inequality in access to public lands?**

**Response:** Secretary Zinke and I both believe public lands should be available for the enjoyment of all. If confirmed, I look forward to working with the Secretary to increase recreational access to public lands.

**Question 45: How would you describe the economic and environmental value of public lands?**

**Response:** Having grown up in a small town in Colorado, I understand firsthand the economic impact our public lands have on local communities across the country. From energy development to recreational access, these lands offer invaluable resources to locals and tourists alike.

**Question 46: According to the Outdoor Industry Association, the outdoor recreation economy generates \$887 billion in economic activity and 7.6 million American jobs. The association claims that it is a stronger economic sector than oil and gas, motor vehicles and accessories, and pharmaceuticals. Do you concur with this economic assessment? Does the economic significance of outdoor recreation affect your support for maintaining public lands for recreation purposes in contrast to other uses?**

**Response:** I grew up in Colorado, where some communities benefitted significantly from an outdoor recreation economy. Access to federal lands creates jobs and bolsters local economies, so I believe there is great merit in supporting these opportunities for quality access.

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**Land and Water Conservation Fund**

**Question 47: Created by Congress in 1965, the Land and Water Conservation Fund (LWCF) was a bipartisan commitment to safeguard natural areas, water resources and our cultural heritage, and to provide recreation opportunities to all Americans. National parks like Rocky Mountain, the Grand Canyon, and the Great Smoky Mountains, as well as National Wildlife Refuges, national forests, rivers and lakes, community parks, trails, and ball fields in every one of our 50 states were set aside for Americans to enjoy thanks to federal funds from the Land and Water Conservation Fund (LWCF). The LWCF is critical to the protection and preservation of the many landscapes that drive the \$887 billion outdoor recreation economy.**

**Question 48: The Administration's "skinny" budget included a direct attack on federal land conservation, proposing to drastically slash funding for this bipartisan priority. The temporary extension of the LWCF expires September 30, 2018. If confirmed, will you support the LWCF, and continuing to expand public access to parks, forests and trails?**

**Response:** Since 1965, the LWCF has been a successful program that has benefitted both Vermont and my home state of Colorado. It has my support and the support of Secretary Zinke. Should I be confirmed, I look forward to working with you and your colleagues to reauthorize the program.

**Question 49: The LWCF makes incredibly important investments in my state, protecting federal units like the Appalachian Trail and the Conte National Fish and Wildlife Refuge and working in public-private partnership through the Forest Legacy Program to preserve working forests and keep jobs in the woods. If confirmed, will you commit to supporting permanent reauthorization and full, dedicated funding of this program, as Secretary Zinke did in his confirmation hearing?**

**Response:** I share Secretary Zinke's support for the LWCF and look forward to working with you and your colleagues to reauthorize the program.

**Question 50: Natural and recreational infrastructure is critical to clean water, healthy families, safe neighborhoods and continued growth and jobs in our extremely productive outdoor recreation economy. Our National Parks and public lands are in need of continued investment in conservation as well as maintenance. Do you agree that the LWCF represents an infrastructure investment necessity that drives economic production, growth, and employment in America every bit as much as do road and bridge construction, water resource development, and other public works projects?**

**Response:** Our public lands and national parks hold some of our nation's greatest treasures. As I said at my hearing, I grew up surrounded by public lands and know the many benefits

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they have to offer. The outdoor industry is an integral part of our economy. Should I be confirmed, I will continue to support programs like LWCF that incentivize and preserve necessary investments in outdoor and recreational opportunities.

**Question 51: Should you be confirmed, will you commit to an annual budget that allocates all of the annual \$900 million from the LWCF account to the programs identified by Congress each year in the appropriations bill?**

**Response:** The LWCF has my support and should I be confirmed I look forward to working with you and your colleagues to protect and bolster this important program. As a native Coloradan and outdoorsman, I have seen the good work LWCF does for local communities, sportsmen, recreationists, and conservation as a whole. As the budget process moves forward, I look forward to working with President Trump, Secretary Zinke and Congress to support LWCF's critical work.

### **Science**

**Question 52: While you were with the Department of the Interior, there were allegations that you manipulated scientific data for political outcomes. In order to protect scientific integrity, the Department of the Interior created a Scientific Integrity Policy, which all career, political, and contract employees must adhere. There are now designated Scientific Integrity officers, who are career employees in each bureau to review and adjudicate any discrepancies. Do you commit to maintaining this policy?**

**Response:** As I indicated at my hearing, I did not manipulate scientific data. I am not yet familiar with this policy, but I agree that scientific integrity should underpin agency actions.

**Question 53: Do you commit to respecting all decisions that come from these Scientific Integrity Officers?**

**Response:** I will support decisions, but I will not support arbitrary or capricious decisions, so I cannot say yes to all decisions.

**Question 54: Do you commit to personally signing the Scientific Integrity Policy, and sharing with this committee a copy of that document?**

**Response:** As I indicated in response to a previous question, I am not yet familiar with this policy, but I agree that scientific integrity should underpin agency actions.

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**Tribal Issues**

**Question 55: Indian Affairs is the oldest bureau of the Department of the Interior. Throughout history and even today, the United States government has treated the Native American people with disrespect, abrogating treaty obligations and its trust responsibility. As a result, there are Native American communities living in unbelievable poverty with high unemployment rates and unspeakably high youth suicide rates. Do you agree with these assertions? If so, what do you propose to do at the Department to improve life for the Native American people throughout this country?**

**Response:** Secretary Zinke and I both believe the Department of the Interior has an important trust responsibility in Indian Country. If confirmed, I look forward to working with him to promote tribal sovereignty and self-determination.

**Question 56: The federal government's moral and legal obligations to tribes in light of the trust responsibility carry immense moral and legal force. This trust relationship serves as an underlying basis for tribal consultation, the process by which the government engages in a meaningful, good-faith dialogue with all tribes. The Department of the Interior, by virtue of its role in Native American affairs, plays a prominent part in how the government engages in tribal consultation.**

**In the wake of the Dakota Access Pipeline, three federal agencies, including the Department of the Interior, published a report in January 2017 entitled, "Improving Tribal Consultation and Tribal Involvement in Federal Infrastructure Decisions." The subject of months-long consultation across Indian country, this report sets forth a number of recommendations to improve the process for permitting and infrastructure development. What steps do you intend to take to incorporate this report into the agency's decision-making process?**

**Response:** I am not familiar with the January 2017 report and therefore cannot comment on its proposals. I do share Secretary Zinke's commitment to building and maintaining mutual trust among tribes to build consensus on infrastructure or permitting issues.



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**Question 57: As the Department of Energy laid out during a recent Tribal Energy summit, the potential for renewable energy in Indian Country is enormous. While reservations account for 2% of the nation's land mass, they hold 5% of the nation's potential renewable energy resources. The Department of Energy also estimates that wind power from tribal lands could satisfy 32% of the total U.S. electricity demand. And solar production from Indian lands could generate enough energy to power the country two times over. Nevertheless, the Department of the Interior is turning its attention to conventional fossil fuels for development, this despite the upward trajectory of renewables. What role do you think renewable energy should play in energy development in Indian Country?**

**Response:** Similar to the President and Secretary Zinke, I support an all-of-the-above energy approach, which includes renewable energy. There are tribes that choose not to develop energy resources, and I agree with the Secretary that we must respect that position, which is a true reflection of tribal sovereignty.

**USGS and Water**

**Question 58: If confirmed, how will you support critical water information services including the United States Geological Survey (USGS) water-gauging infrastructure?**

**Response:** Yes.

**Question 59: Please describe your approach to ensuring that USGS matching funds used to complement state- and locally-sponsored water measurement gauges and associated information technology are not diverted to other Agency activities.**

**Response:** Generally, collaboration among our local and State partners benefits Interior. I am not currently at the Department and cannot offer further insight until briefed, if confirmed.

**Wild horse management**

**Question 60: Do you have plans to change or modify the Bureau of Land Management's wild horse management plan? If so, what changes would you recommend?**

**Response:** I intend to work with Congress on finding a solution to this problem.

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**Questions from Senator Al Franken**

**Question 1: I understand that under the new Administration the Department of Interior is undertaking a brief review of Cobell buy-back program strategies. It is also my understanding that the Department has made commitments to a number of tribes, including the Leech Lake Band of Ojibwe and other tribes in Minnesota, that they will be included in the next round of implementation. Should you be confirmed, would you be in a position to ensure a quick review of implementation strategies and ensure that the commitments made to tribes on this matter be maintained?**

**Response:** Because I am not at the Department, I do not know if I will have any role in this process.

**Question 2: Restoring tribal homelands rebuilds tribal land bases and strengthens the relationship between tribes and the federal government. It also makes administering justice and engaging in economic development easier by reducing checkboard landholdings. During your time at the Department of the Interior, many tribes were of the opinion that the Department had imposed what was essentially a moratorium on land into trust acquisitions.**

- a. Can I get a commitment from you that your Interior Department will not put in place a land into trust moratorium?**
- b. If you cannot make the commitment requested in part (a), would you at least commit to a transparent process that prioritizes meaningful consultation with tribes and tribal organizations—on an open and fair basis—so their voices can be heard on any proposed changes to Interior’s land into trust procedures?**
- c. Can you please share your views on the importance the Administration will place on the land to trust process?**
- d. In 2008, the Department of the Interior, through then-Assistant Secretary Carl Artman, finalized guidance for restricting land to be taken into trust related to gaming. Yet the Department did not consult with tribes in drafting this guidance. Can I get a commitment from you that the Interior Department will consult with tribes on a government-to-government basis when developing any additional guidance or regulations as it pertains to land into trust acquisitions?**

**Response:** As I indicated in the hearing, I take consultation seriously and commit to consult with tribes on a government-to-government basis. I am not at the Department and therefore am unaware of the Administration’s current work on the land into trust process. If confirmed, I will need to be briefed on the state of land into trust procedures, and after that I would be happy to visit with you or your staff.

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**Question 3: If you are confirmed as Deputy Secretary of the Interior, you will be responsible for overseeing the Bureau of Indian Affairs (BIA). With the multitude of problems in Indian Country today, from disturbingly high rates of youth suicide to a lack of sufficient economic opportunity and many others, we need a bipartisan commitment to address the living conditions on tribal lands. One of the most frustrating issues with the BIA has been the chronic underfunding of important programs and general lack of support from the federal government.**

- a. As Deputy Secretary of the Interior, would you advocate for strong funding for federal programs that support American Indians?**

**Response:** As we discussed in your office, I know this is an issue you care about and so do I. I am committed to working with you to find ways to address these chronic challenges in Indian country.

- b. Do you have a timeline for filling BIA positions?**

**Response:** No, I am not aware of a timeline.

- c. Will you expand on your ideas for improving living conditions in Indian Country?**

**Response:** See my response to question 3a, above.

**Question 4: As we discussed at the hearing, the federal government has moral and legal obligations to uphold its treaty and trust responsibilities to Native Americans and engage with tribes on a government-to-government basis. This government-to-government relationship is the basis for tribal consultation, the process by which the United States engages in a meaningful, good-faith dialogue with tribes. The Department of the Interior, by virtue of its role in Native American affairs, plays a prominent part in how the government engages in tribal consultation.**

- a. You stated that you would “unequivocally commit” to consult with tribes. Yet as a part of the Administration’s review of Bears Ears National Monument, Secretary Zinke spent a total of one-hour meeting with tribal leaders. What would you consider meaningful consultation?**
- b. If confirmed, will you uphold the federal trust responsibility and ensure that Interior provides tribes with adequate government-to-government consultation on Bears Ears National Monument and any other lands issue that may affect them?**

**Response to a. and b.:** I am not at the Department, so I am unaware of the Secretary’s ongoing consultations. As I said in the hearing, I appreciate the importance of tribal consultation, take consultation seriously, and commit to consult with tribes, if confirmed.

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**Question 5:** At a recent tribal energy summit, Secretary Zinke made several statements that raised concerns to tribes including reexamining the Indian Reorganization Act and treating tribes like corporations. In a clarifying letter to the National Congress of American Indians, Acting Deputy Secretary James Cason stated that “at this time there are no plans to alter the Department’s current management of our trust responsibilities.”

Statements such as these have created uncertainty in Indian Country about this Administration’s view on the trust responsibility and whether there are plans to diminish the trust relationship among tribes and the federal government. Do you share the view that the trust relationship is up for reconsideration, and if so, in what areas would you seek changes to that relationship?

**Response:** I am not aware of these statements.

**Question 6:** Each agency head has been instructed to undertake a review of their agency to determine how to reorganize the departments. What will you do to ensure proper consultation is conducted with tribal governments prior to any decisions or actions regarding reorganization?

**Response:** I appreciate the importance of tribal consultation, take consultation seriously, and commit to consult with tribes as appropriate, if confirmed

**Question 7:** Economic development is vital for improving Indian Country, and one area of opportunity is the energy sector. For example, there is significant potential for clean energy development in Indian Country—like wind, solar, and biomass. I have been working to fund the Tribal Energy Loan Guarantee Program (TIELGP), which was included in the Energy Policy Act of 2005 but received its first funding in Fiscal Year 2017. This program would allow the DOE to guarantee up to 90 percent of the principal and interest of a loan issued to an Indian tribe for energy development. By leveraging federal resources, this program would encourage borrowers to partner with the private sector to develop energy projects. Will you commit to working with me to boost renewable energy generation on tribal lands, which would bring important funds and jobs to these communities?

**Response:** If confirmed, I commit to learning more about this program and working with you and Secretary Zinke, as appropriate.

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**Question 8:** A recent National Institute of Justice report found that more than half of American Indian and Alaska Native women—and more than one in four men—have experienced sexual violence in their lifetime. And among those who have experienced sexual violence, almost all—96% of women and 89% of men—have been victimized by a non-Indian partner. That is a horrific statistic. And despite their prevalence, crimes of sexual violence committed by non-Indians in Indian Country often go unprosecuted and unpunished, leaving victims without justice and offenders on the loose. So last Congress, Senator Murkowski and I introduced the Justice for Native Survivors of Sexual Violence Act, which would recognize and reaffirm Indian tribes' inherent power to exercise criminal jurisdiction over non-Indians who commit crimes of sexual violence in Indian Country. This commonsense legislation will lay the groundwork for tribes to address sexual violence in their communities in a meaningful way, and I'm looking forward to reintroducing the bill soon.

**Mr. Bernhardt, I want to know from you how the Interior Department will work with tribes to strengthen their tribal justice systems and ensure that they have the resources they need to take on this critical work. I also understand that the Department of Justice has the primary responsibility for investigating and prosecuting crime in much of Indian country. When Senator Sessions came before the Judiciary Committee, I asked him about his views on these issues and was concerned by how much he has to learn about law enforcement in Indian Country. Can you assure me that you will coordinate and share information with the DOJ to ensure that there is a comprehensive understanding of how these crimes impact Indian Country?**

**Response:** I completely agree these are horrible statistics and the situation is appalling. I will do everything I can to facilitate the sharing and coordination of information with the Department of Justice to ensure a better understanding of the impacts of these crimes.

**Question 9: You spent nearly eight years at the Department of the Interior during the Bush Administration, and during that time you played key roles in overseeing the Department's relationship with Congress and in monitoring the ethical culture at the Department. Given your senior role in the Bush Department of the Interior, you had a front row seat to the numerous scandals that plagued the Department.**

**a. Can you describe your relationship with lobbyist Jack Abramoff? On what occasions did you meet him and what were the purposes of those meetings?**

**Response:** I have no relationship and do not believe I ever met him.

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**b. Can you describe your relationship with then-Deputy Secretary Steven Griles? At what point did you become aware of his involvement with illegal activities?**

**Response:** He was the Deputy Secretary of the Department of the Interior. I became aware of his illegal activities when he was indicted.

**c. Robert McCarthy was a DOI employee who became a whistleblower, exposing mismanagement of Indian Trust funds. Mr. McCarthy subsequently was forced to resign. Can you describe your role, if any, with regards to his resignation? How do you plan to deal with whistleblowers who reveal corruption at the agency if you are confirmed?**

**Response:** I believe that anyone who reveals corruption up their chain of command or to the Inspector General should be protected, consistent with applicable law and practice. However, in general I do not believe Mr. McCarthy's actions were proper. Lawyers and auditors who have an additional set of ethical duties should take inappropriate matters up their chain of command or to the Office of Inspector General before they go to media. I understand that in a settlement of a challenge to his dismissal, he was allowed to resign.

**d. When Senator Stabenow asked about the allegations that scientific information provided by USFWS scientists was altered in preparing Senate Testimony for Secretary Norton, you responded that you had not altered the science. Can you please elaborate?**

**Response:** Yes, to the extent any documentation was modified, it was not modified by me, and I do not believe I was aware of it until it had been disseminated.

**Question 10: While you were at the Department, the DOI Executive Resources Board, or ERB, recommended salary increases for top level employees. The ERB also gave out awards, called STAR awards, designed to recognize particularly outstanding accomplishments by DOI employees.**

**During the Bush Administration, the ERB distributed a substantial number of STAR awards to senior officials at the Department of the Interior, including several members of ERB itself. It appears that STAR awards, which were supposed to be used to reward exceptional work, were essentially used as a tool whereby DOI political appointees enriched themselves with taxpayer money. One particularly egregious example was a nearly \$10,000 award for Deputy Assistant Secretary Julie MacDonald in 2004. Routinely, these awards were given to political appointees without any written justification and without formal nomination.**

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**a. Were you on the ERB in 2004?**

**Response:** I am not sure of the dates, but I did serve on the ERB for certain years.

**b. Were you in any way involved in the awarding of the award to Ms. MacDonald? If so, what was your justification?**

**Response:** If I was on the ERB when she received a reward, I could have been part of that process, along with others on the ERB and her supervisors. I do not recall the justification, but I believe there would be a written justification associated with the award, if it occurred.

**c. You, yourself, received a \$7,000 STAR award in 2004. The guidance in place at the time capped awards at \$5,000. Did the size of your award surprise you?**

**Response:** I have no recollection of my reaction. Money has not been motivating factor for my experience with public service.

**Question 11: With a changing climate, we are seeing longer wildfire seasons and more extreme fires. At the same time, more and more people in the United States are living in and around forests, grasslands, shrublands, and other vegetated natural areas – places commonly referred to as the wildland-urban interface (WUI). Approximately 70,000 communities nationwide are considered to be at high risk from wildland fire, including some in Minnesota. Defense of private property – much of which is located in the WUI – accounts for a large percentage of fire suppression costs. How will you work with the United States Forest Service to mitigate the costs of these fires while ensuring the safety of vulnerable communities?**

**Response:** The issues surrounding the prevention of forest fires and funding for fire suppression efforts are important. If I am confirmed, I will evaluate the Department's current role in fire prevention and suppression and work closely with USDA, the Forest Service, states, and Congress to ensure that these programs are appropriately managed.

**Question 12: Do you believe that climate change impacts should be included in environmental reviews under the National Environmental Policy Act (NEPA)?**

**Response:** As I indicated at my hearing, I will consider the science on climate change and the applicable law in recommending policy decisions that are consistent with the Administration's agenda and the law, should I be confirmed.

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**Questions 13: Do you believe that climate change has a cost to society and that this social cost of carbon should be used in regulatory analyses?**

**Response:** As I indicated at my hearing, I will consider the science on climate change and the applicable law in recommending policy decisions that are consistent with the Administration's agenda, should I be confirmed.

**Question 14: If confirmed, what will do you do to promote renewable electricity generation—including wind and solar—on public lands?**

**Response:** I am a supporter of an all-of-the-above energy policy that includes the development of renewable energy projects and transmission projects on federal lands.

**Question 15:** The Land and Water Conservation Fund has been a critical tool over the past 50 years to secure America's natural and historical treasures. In my state, LWCF has helped protect national icons like the Boundary Waters Canoe Area Wilderness and Voyageurs National Park as well as local parks and playgrounds. The Fund is paid for by a small portion of receipts collected from offshore energy extraction. Indeed the Fund was conceived with the understanding that we would permanently protect our outdoor recreation heritage for all Americans to use, in exchange for the depletion of another non-renewable national asset.

The Fund is supposed to receive \$900 million each year, but typically it receives substantially less than that. When the Secretary testified before this committee in January, he stated his support for full funding of LWCF. However, the initial budget release from the administration in March suggests that LWCF will likely be severely cut once the full budget is released.

**Should you be confirmed, will you commit to an annual budget that allocates all of the annual \$900 million from the LWCF account to the programs identified by Congress each year in the appropriations bill?**

**Response:** I share Secretary Zinke's support for the LWCF and look forward to working with you and your colleagues on the program, if confirmed.

**Question 16: Under what circumstances would you support or oppose the transfer of public land to state governments? For example, if Congress passed a bill transferring large sections of public lands to the states, would you recommend that the President veto it?**

**Response:** I support the Secretary's views.



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**Question 17: Do you support allowing state and local governments to manage federal public lands? From a practical standpoint, how is this different from transferring federal lands to states?**

**Response:** I share the Secretary's view that federal lands need to be managed with particular consideration of the people in local communities whose lives and livelihoods depend on the land.

**Question 18: According to the Bureau of Land Management's statistics for Fiscal Year 2015, there are 32.1 million acres of public lands (approximately the size of Alabama) currently under lease for oil and gas activities. However, merely one-third of these acres are actually producing fuel. In fact, the United States has a record high 7,500 approved drilling permits that industry has yet to put to use.**

- a. In light of this overcapacity, do you believe it is necessary for United States to open up additional public land for oil and gas production? If so, why?**
- b. How do you balance this with the need to maintain public access to federal lands?**

**Response to a. and b.:** If confirmed as Deputy Secretary, I would support the Secretary's efforts to foster responsible development of coal, oil, gas, and renewable energy on federal and tribal lands.

**Question 19: The United States has been chronically underfunding our National Parks for years. As you know, the parks currently face a more than \$12 billion backlog in deferred maintenance, including \$47 million in Minnesota. I appreciate that you have committed to working with Congress to solve this unacceptable deferred maintenance backlog.**

- a. What do you feel would be the best way to approach this issue?**
- b. Will you advocate to include deferred maintenance in any infrastructure package the new administration is planning?**

**Response to a. and b.:** I know Secretary Zinke is committed to prioritize and find innovative ways to address the maintenance backlog and enhance our parks' infrastructure.

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**Question 20: Many of the communities in my home state of Minnesota cannot safely rely on the water currently supplied to their homes. These communities and my state have worked tirelessly, investing millions of dollars, in a tristate water system known as the Lewis & Clark Regional Water System. A successful state and federal partnership, Lewis & Clark is funded by local communities, states and expected annual funds from the federal government. Like two water projects in your home state of Montana, federal funding for Lewis & Clark is allocated through the Department of Interior’s Bureau of Reclamation. Nearly completed, all communities and states involved have paid their share of the project and in numerous cases, prefunded the necessary dollars to complete this critical water project. However, the federal share of the project has fallen short year-after-year, putting the project far behind construction schedule causing an increase in cost to the project. Will you support prioritizing the Lewis & Clark Regional Water System through the water funds allocated by the Bureau of Reclamation?**

**Response:** While I am not familiar with the specific details of the funding concerns pertaining to the Lewis & Clark Regional Water System, I am familiar with Bureau of Reclamation’s rural water projects. These projects benefit rural communities and are important to supporting the livelihood of local economies. If confirmed, I look forward to learning more about the particular details of this project.

**Question 21: Mr. Bernhardt, when we met, you told me that you will sign the ethics pledge required by the Trump Administration under Executive Order 13770. The ethics pledge requires that for two years, you will not, and I quote, “participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.” It also includes issues that you lobbied on.**

**a. Do you intend to sign the ethics pledge and recuse yourself for two years on relevant issues?**

**Response:** Yes.

**b. If so, will you share this document with the committee? And if not, why not?**

**Response:** I have assumed the document would be public since my ethic agreement is public.

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- c. How will we know that you are sticking with the two-year recusal? Will you, on a quarterly basis, for two years, provide the committee a list of the matters from which you are recused?**

**Response:** Because I have agreed to do it and I will work with the Department's Designated Agency Ethics Official on a regular basis to ensure I am implementing best practices. I will not provide a list, but I will commit to visiting with you as often as you would like.

- d. Executive Order 13770 allows the president to grant waivers exempting lobbyists from this ban. This is not uncommon, but what stands out is the order's elimination of the requirement that such waivers be publically disclosed once they occur. Will you commit to publically disclose the issuance of any waivers you may receive from this administration so that the American people have greater transparency into potential conflicts of interest? If not, why not?**

**Response:** I do not know under what circumstances I might seek a waiver because I do not anticipate doing so. However, should I seek a waiver from the Designated Agency Ethics Official, I will discuss whether such a request should be made public.

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**Questions from Senator Steve Daines**

**Question 1:** I understand you have done a lot of work dealing with the Endangered Species Act. And, I know you are familiar with the Ninth Circuit Court’s misguided ruling in *U.S. Forest Service vs. Cottonwood Environmental Law Center*. The Obama administration argued that the ruling has the “potential to cripple” federal land management across Ninth Circuit states, and I have no doubt that Secretary Zinke shares this concern.

- a. Do you agree that the burdensome extra layer of consultation required in the *Cottonwood* decision could substantially slow forest management projects and is unnecessary to protecting at-risk species?**

**Response:** Yes.

- b. Now that the Supreme Court has declined to hear the *Cottonwood* case, Senator Jon Tester and I have introduced legislation to statutorily reverse the decision. Can I get your commitment to speedily work in a bipartisan manner to enact a legislative solution?**

**Response:** Yes, I will commit to working with you in a bipartisan manner.

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**Questions from Senator Joe Manchin III**

**Question 1:** The Land and Water Conservation Fund (LWCF) expired September 30, 2015. The fund was temporarily extended for 3 years in the Consolidated Appropriations Act, 2016, and will expire again September 30, 2018, if Congress fails to pass reauthorization. The 2017 omnibus funding bill funds LWCF at \$400 million - \$50 million less than the fiscal 2016 enacted level. West Virginia has received approximately \$233 million in LWCF funding over the past five decades, protecting places like the New River Gorge National River, and the Harpers Ferry National Historical Park, both of the National Park Service. West Virginia has 61,000 outdoor recreation jobs, and generates approximately \$272 million in annual state tax revenue. In 2016, several local governments in West Virginia received grants totaling \$418,473 from LWCF funds from the “state side.” Previously, funds from the “federal side” have been used to acquire lands at Canaan Valley National Wildlife Refuge. These are vital to the outdoor economy and heritage of West Virginia.

**If you are confirmed, will you commit to working with Congress to find a permanent reauthorization of LWCF?**

**Response:** I share Secretary Zinke’s support for the LWCF and look forward to working with you and your colleagues to reauthorize the program.

**Are you willing to accept reforms to LWCF?**

**Response:** As noted in the response to the previous question, I share Secretary Zinke’s support for the LWCF and look forward to working with you and your colleagues to reauthorize the program.

**If so, what reforms are you willing to accept and not accept?**

**Response:** Should I be confirmed, I would look forward to working with Secretary Zinke, you, and your colleagues to reauthorize the program, including identifying stable, diverse and long-term funding mechanisms to keep the fund viable for generations to come.

**Question 2: If confirmed, you have pledged to recuse yourself for two years from matters involving your former clients per the ethics pledge that President Trump put forth for his nominees to sign.**

**If confirmed, do you plan to serve longer than two years as Deputy Secretary?**

**Response:** If confirmed, I plan to serve at the pleasure of the President, and anticipate that could be through his term.

**U.S. Senate Committee on Energy and Natural Resources**  
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**How will you ensure you are avoiding all conflicts of interest if you indeed work on matters involving your former clients after the two-year pledge expires?**

**Response:** If confirmed, I will follow my ethics agreement, and for the entire duration of my tenure I will consult, seek, and follow the guidance of the Department of the Interior's Designated Agency Ethics Official.

**U.S. Senate Committee on Energy and Natural Resources**  
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**Questions from Senator Martin Heinrich**

**Question 1: I continue to hear about problems arising from the large number of long-standing job vacancies in BLM's field offices in New Mexico. Of particular concern are significant vacancies in Farmington, the Federal Indian Minerals Office and Carlsbad. I understand there are as many as 21 vacant positions in Carlsbad alone, as well as the position of the Field Office Manager. Clearly the administration's hiring freeze contributed to the delay in filling these important federal jobs. If you are confirmed, what actions will you take to address promptly the need to fill the large number of job vacancies in New Mexico's various BLM offices?**

**Response:** Although I am not aware of the status of current job vacancies within the Department's bureaus or efforts to fill those positions, Secretary Zinke has stressed one of his priorities is to get the right tools and resources out to the field, and I will look into this if confirmed.

**Question 2: President Trump in his signing statement enacting the FY2017 Omnibus Appropriations Bill implied that some programs and services for American Indians and tribes may not comply with the Due Process Clause of the Constitution. The signing statement reads:**

**My Administration shall treat provisions that allocate benefits on the basis of race, ethnicity, and gender (e.g., Division B, under the heading "Minority Business Development"; Division C, sections 8016, 8021, 8038, and 8042; Division H, under the headings "Departmental Management Salaries and Expenses," "School Improvement Programs," and "Historically Black College and University Capital Financing Program Account"; Division K, under the heading "Native American Housing Block Grants"; and Division K, section 213) in a manner consistent with the requirement to afford equal protection of the laws under the Due Process Clause of the Constitution's Fifth Amendment.**

**Do you believe that programs and services for Indian tribes and their members, as currently implemented, are constitutional?**

**Response:** As I indicated at the hearing, I am not familiar with this signing statement and I have assumed that many of these programs are constitutional.

**Question 3: During the hearing, in response to a question about conducting full tribal consultation before making any changes to the land-into-trust process, you first said that you would "participate in some form of engagement", and in response to a follow up question, said that any distinction between "engagement" and "consultation" is a "distinction without a difference". However, as you know, "tribal consultation" has a particular meaning in U.S. law, involving specific commitments, processes, and procedures, while "engagement" could mean as little as a form letter or a phone call.**

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**If the Department of the Interior considers changes to the land-into-trust process, will you commit to engaging in a tribal consultation process before finalizing any such decision?**

**Response:** As I stated to you at the hearing, I will support a full tribal consultation for any meaningful changes. However, because I am not at the Department, I cannot tell you what changes the Department of the Interior intends, if any, and I do not know what consultation process the Department currently intends to take.

**Question 4: Good information is vital for good decision-making, and the government must act as an honest broker. Do you believe that the office of the Secretary of the Interior has the prerogative to interpret for Congress and the public the data and assessments of scientists at the FWS and other Interior science agencies?**

**Response:** As I stated at my hearing, my view is that policy decisions should be predicated on the evaluation of science as it is and application of the law. I believe when scientific data is evaluated on its merits and used as a basis to make policy decisions that are honest to the science, conflicts will be reduced and those decisions will be reliable and legally sound. I believe when the Department picks and chooses between data, it is obligated to articulate a reason why it has done so, and it must be able to connect its conclusions to the facts it finds in a rational manner.

**Question 5: The Bureau of Indian Education (BIE) is implementing a reorganization plan developed with minimal tribal input. Will you commit, moving forward, to engaging tribes in meaningful consultation on any reorganization, and any BIE policy changes that affect tribes?**

**Response:** I am not familiar with the reorganization plan you reference and would need to learn more about it and the process to provide a meaningful response to your question.

**Question 6: The Department of Interior's regulatory and scientific agencies invest taxpayer dollars to produce a wealth of data about the nation's energy and natural resources. Will you commit to maintaining the integrity and public accessibility of datasets produced by Interior staff?**

**Response:** The integrity of scientific data and its application in decision making on behalf of the public are of paramount importance to me. Should I be confirmed, I commit to continuing this commitment and applying it to policy recommendations.



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**Questions from Senator Mazie Hirono**

**Question 1: Mr. Bernhardt, beginning in April 2001 you directed the Department of Interior's Office of Congressional and Legislative Affairs. In this position, were you responsible for drafting, editing, or reviewing testimony for then-Secretary Norton?**

**Response:** The generation of testimony for Congress generally involves a whole host of entities throughout the Department of the Interior, including individual bureaus, Solicitors office, senior advisors, Administration appointees, and the White House Office of Management and Budget. My office would have had engagement at each stage and ultimately transmitted the testimony to the Committee.

**Question 2: (Follow-up to Question 1) If so, please describe your contribution to the drafting, editing, and review of Ms. Norton's testimony responding to questions submitted by then-Chair Frank Murkowski on U.S. Fish and Wildlife Service findings relating to the impact of drilling on caribou in the Arctic National Wildlife Refuge?**

**Response:** As I stated in my previous response, the generation of testimony for Congress generally involves a whole host of entities throughout the Department of the Interior, including individual bureaus, Solicitors office, senior advisors, Administration appointees, and the White House Office of Management and Budget. My office had engagement at each stage and ultimately transmitted the testimony to the Committee.

**Question 3: (Follow-up to Question 1) At the time the testimony was drafted and reviewed at the Department of Interior, were you aware of the use of information contained in a report funded by BP Oil in Ms. Norton's testimony?**

**Response:** No, at the time I was just learning about ANWR and I was not then serving as the Secretary's primary policy counselor on the issue.

**Question 4: Do you believe the Fish and Wildlife Service provides valuable scientific expertise in shaping policy for the Department of Interior?**

**Response:** Yes.

**Question 5: To what extent will you consider scientific data in shaping policy if it fails to align with the President's political agenda?**

**Response:** As I stated at my hearing, my view is that policy decision should be predicated on the evaluation of science and application of the law. I believe when scientific data is evaluated on its merits and used as an information base to make policy decisions that are honest to the science and transparent regarding the policy choice, conflicts will be reduced

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and those decisions will be reliable and legally sound.

**Question 6: During the hearing in your response to Senator Franken regarding the use of climate change science in shaping policy you said that you would “take the science as it comes.” Please explain what that means.**

**Response:** Generally, we have to use the data we have available to make decisions in the context of the law and the discretion of the executive branch.

**Question 7: (Follow-up to Question 6) As you may be aware, there is a substantial body of research conducted over multiple decades in multiple countries as to the causes, impacts, and effects of climate change. Given the data-driven scientific consensus regarding the current and future impacts of climate change on our communities, national security, and economy what additional scientific evidence would you be looking for to develop policy as Deputy Secretary?**

**Response:** As I indicated in response to a similar question at my hearing, as a policymaker we must take the science as we find it, whatever it may be, and use it to make informed decisions, with the discretion we are given under the law.

**Question 8: During the hearing you highlighted the concerns raised by the President on the impact activities to mitigate climate change would have on jobs, assuming that you were referencing jobs within the fossil fuel extraction industry. However, as you may be aware, there is a substantial body of evidence that climate change will negatively impact our broader economy in the long-term. In addition, as Sen. Franken pointed out, renewable energy jobs are a substantial and growing sector of American jobs which are less likely to be outsourced. As Deputy Secretary you will be second in line to assume the responsibility of protecting and managing natural resources for the U.S. public interest. In deciding policy matters how much weight will you give to protecting fossil fuels jobs versus protecting our nation’s long-term economic and environmental health?**

**Response:** As I stated at my hearing, my view is that policy decisions should be predicated on the evaluation of science and application of the law. If confirmed, I will make decisions with an open mind, actively seeking input and listening to varied views and perspectives.

**U.S. Senate Committee on Energy and Natural Resources**

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**Question 9: Do your business clients at Brownstein Hyatt Farber Schreck LLP have business interests in matters currently pending or that will likely come before the Department of Interior within the next few years?**

**Response:** Yes, but to the extent they do, I will follow my ethics agreement.

**Question 10: During the hearing in your response to Senator Stabenow you stated that you are certain that scientists at Interior are not under attack. Under this administration there have been reports of instances where National Park Service employees have been prohibited from publicly communicating climate facts and reprimanded for posting pictures of attendance at the inauguration. If not an “attack” how would you classify these directives?**

**Response:** As I stated at my hearing, I do not believe that scientists at the Department are under attack. Although I am not at the Department, I understand that the directives you have identified, related to the National Park Service’s official twitter account, were already existing policies.

**Question 11: If confirmed as Deputy Secretary, will you encourage a culture of transparency at the Department of Interior?**

**Response:** Yes.

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**Question from Senator Angus S. King, Jr.**

**Question: Do you believe that prior record of service and performance should be a factor when considering how the National Park Service awards concession contracts?**

**Response: Yes.**

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**Questions from Senator Catherine Cortez Masto**

**Question 1: You appear to have several conflicts of interests from representing oil, gas, and water clients as a lobbyist working at the firm Brownstein, Hyatt Farber Schreck, LLP. You have stated that you will recuse yourself from matters involving your former clients for a year. Which particular matters involving your clients are currently pending before the Department?**

**Response:** I believe that public trust is a public responsibility and that maintaining an ethical culture is important. I will fully comply with the ethics agreement that I signed. In addition, for the duration of my service, I intend to actively seek and consult with the Department's Designated Agency Ethics Official regarding particular matters involving specific parties of former clients or entities represented by my former firm. Finally, I will install a robust screening process, should one not exist within the office.

That said, on May 4, 2017, the Committee on Energy and Natural Resources received correspondence from the General Counsel of the United States Office of Government Ethics, David J. Apol.

Mr. Apol's correspondence included an enclosure of the "ethics agreement outlining the actions that the nominee [David Bernhardt] will undertake to avoid conflicts of interest." Further, General Counsel Apol explained, "we [the Office of Government Ethics] believe that this nominee [David Bernhardt] is in compliance with the applicable laws and regulations governing conflicts of interest."

In addition, I have reviewed some of the prior ethics agreements provided to the Committee in the past. There is a striking degree of consistency between the ethics agreement provided by Mr. Apol and the prior agreements provided by other nominees to positions within the Department of the Interior who worked in large private law firms representing similar clients, and in some cases the same clients. Copies of two such ethics agreements are attached to this correspondence to give you a sense of the similarities.

Given General Counsel Apol's determination that the ethics agreement I signed complies with the Office of Government Ethics' regulations and the applicable laws governing conflicts of interest, as well as the obvious similarity between that ethics agreement and those the Committee previously found sufficiently clear to proceed with the nomination, I reaffirm that I will comply with the ethics agreement I signed.

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**Question 2: After the year, what will your approach be as issues involving these clients arise?**

**Response:** I will follow my ethics agreements in consultation with the Department's Designated Agency Ethics Official.

**Question 3: Under what circumstances would you seek a recusal? Or a waiver from a recusal? How transparent will that process be?**

**Response:** I do not anticipate seeking a waiver. However, should I do so, I will consult with the Department's Designated Agency Ethics Official on best practices.

**Question 4: As Deputy Secretary, you will oversee the Bureau of Land Management and the National Park Service. What are your thoughts on the Antiquities Act?**

**Response:** It was a significant grant of power to the President by the Congress.

**Question 5: What would your approach be with respect to the review of our monuments?**

**Response:** If confirmed, I do not know if I will have a role in the review process.

**Question 6: As a part of the review, would you consider widespread support from the state?**

**Response:** If I were part of such a review, yes.

**Question 7: Do you believe that monuments are important for outdoor recreation and rural economies to thrive?**

**Response:** In some instances, yes very important.

**Question 8: Resource Advisory Councils (RACs) are a crucial way for DOI to get diverse community input on public land management issues. RACs have helped inform decisions on issues related to recreation, land use planning, wildfire management, etc. I am concerned that these meetings are being postponed until September 2017 due to a full scale review. Do you believe community input is essential?**

**Response:** Yes.

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**Question 9: Will you continue to postpone these meetings?**

**Response:** I did not postpone the meetings.

**Question 10: In Nevada, the Gold Butte National Monument Public Information forum has also been postponed. The shutting down of public input is disconcerting. What would your approach be with respect to the ongoing review of monuments and the measures taken to exclude our resource advisory councils and communities?**

**Response:** As I am not at the Department, I am uncertain if I will play a role in either review process.

**Question 11: Are you a strong supporter of states' rights?**

**Response:** Yes.

**Question 12: Do you believe a state should have a say in protecting its monuments?**

**Response:** Yes.

**Question 13: What are your thoughts on the protection of public lands?**

**Response:** I think protecting certain lands is one of the Department's highest duties.

**Question 14: There has been a push to privatize public lands, but the counties in my state cannot afford to properly manage these areas. Do believe in the agency's continued role in managing and protecting public lands?**

**Response:** Yes.

**Question 15: Do you support the BLM Methane rule? It has been reported that Secretary Zinke will be reviewing the rule internally. What would your approach be in reviewing the rule?**

**Response:** I have no informed view of the final rule, but I would learn about it by reading the rule and its administrative record, evaluating prior comments, listening to the career staff that developed it, and reviewing the complaints about it.

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**Question 16: Nevada is the driest state in the Nation. Please describe your approach in helping Western states address water scarcity and resiliency?**

**Response:** I will do everything I can to ensure that the Department is a good neighbor, facilitating a collaborative approach to addressing scarcity and resiliency.

**Question 17: How would you help to facilitate another water sharing agreement once Minute 319 under the U.S. Mexico water treaty expires this year?**

**Response:** I would need to get up to speed on where the Department is at and where the Basin states are before I could answer this question.

**Question 18: Because the lower basin states are all dependent upon the Colorado River, do you believe we also need to increase our water supply regionally by investing in recycling, groundwater storage, and stormwater capture?**

**Response:** I think that these are good things to do.

**Question 19: What about ensuring that refuges get the federal water supplies they need and are receive under the law?**

**Response:** I think this is important.

**Question 20: How would you approach wild horse management concerns that we have in my state?**

**Response:** By working with you and your colleagues on the issue.

**Question 21: Do you believe there should be a task force to facilitate consensus?**

**Response:** I know that several administrations have made efforts here and failed, so before I suggest that a task force is a magic bullet, I would need to understand the scope of any previous review and how those reviewers were empowered. There have been many studies of the situation, and we need to find a pathway to fix it.



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**Question 22: How will you protect agency scientific findings that may be politically challenging, but should be the basis for decisions and analysis from each Bureau and Department?**

**Response:** I will not shrink from taking the evidence as I see it and developing a reasoned articulation of the conclusions I draw based upon the facts found and the legal framework I am working under.

**Attachment referenced in response to Sen. Cantwell  
questions 1, 2, 3, 17, 18**

**David J. Hayes**  
Washington, D.C. 20510

March 3, 2009

Melinda J. Loftin  
Designated Agency Ethics Official  
and Director, Ethics Office  
U.S. Department of the Interior  
1849 C St. NW. MS 4259  
Washington, DC 20240

Dear Ms. Loftin:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Deputy Secretary of the Department of the Interior.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any other person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

On December 31, 2008, I retired from my position as a partner with the law firm of Latham & Watkins. I currently have a capital account with the firm, and I will receive a refund of that account within sixty days after my retirement (i.e. by approximately February 28, 2009). Until I have received this refund, I will not participate personally and substantially in any particular matter that will have a direct and predictable effect on the ability or willingness of the firm to pay this refund, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1). For a period of one year after my resignation, I will not participate personally and substantially in any particular matter involving specific parties in which the firm of Latham & Watkins is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). In addition, I will not participate personally and substantially in any particular matter involving specific parties in which a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

Following my retirement, I will receive a fixed retirement benefit over a 10-year period based upon a formula computed from years of service, age of retirement, and level of salary. I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the ability or willingness of Latham & Watkins to provide this benefit to me, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1).

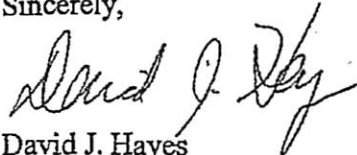
Prior to confirmation, I resigned from the following positions: Senior Fellow, World Wildlife Fund; Senior Fellow, Progressive Policy Institute; Consulting Professor, Stanford University; Vice Chairman, American Rivers; Board Member, RESOLVE; Board Member, Natural Heritage Institute and Member, Obama-Biden Transition Project's Agency Review Working Group. Upon confirmation, I will resign from my position as Chairman of Stanford Law School Board of Visitors. For a period of one year after my resignation from each of these entities, I will not participate personally and substantially in any particular matter involving specific parties in which that entity is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). ~~[Deletion Per FOIA Exemption 6, 5 U.S.C. § 552(b)(6), Personal Privacy]~~

Upon confirmation, I will also resign my position as a trustee of the B██████ Hayes Trust. For a period of one year after my resignation from this position, I will not participate personally and substantially in any particular matter involving specific parties in which the B██████ Hayes Trust is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

I will retain my interest in the vacation properties in Livonia, New York and in Wintergreen Virginia which are adjacent to Federal lands. Pursuant to 18 U.S.C. § 208, I will not participate personally and substantially in any particular matter that will have a direct and predictable effect on these properties, unless I first obtain a written waiver under section 208(b)(1) or qualify for a regulatory exemption under section 208(b)(2). Any particular matters identified as likely to have a direct and predictable effect on these properties will be routed automatically to an agency official other than me.

If I am confirmed as Deputy Secretary of the Department of the Interior, I am aware that I am prohibited by 30 U.S.C. § 1211(f) from holding a financial interest in any surface or underground coal mining operation. Additionally, I am aware that my position is subject to the prohibitions against holding any financial interest in federal lands or resources administered or controlled by the Department of the Interior extended to me by supplemental regulation 5 C.F.R. § 3501.103. Therefore, I will not hold any such interests during my appointment to the position of Deputy Secretary.

Sincerely,



David J. Hayes

Janice M. Schneider  
Washington, DC

November 13, 2013

Melinda Loftin  
Designated Agency Ethics Official  
and Director, Ethics Office  
U.S. Department of the Interior  
1849 C Street, NW, MS 7346  
Washington, DC 20240

Dear Ms. Loftin,

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interests in the event that I am confirmed for the position of Assistant Secretary—Land and Minerals Management of the U.S. Department of the Interior.

As required by 18 U.S.C. 208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any other person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to 18 U.S.C. 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Upon my confirmation, I will resign from my position as partner with the law firm Latham & Watkins, LLP. I currently have an equity capital account with the firm, and I will receive a refund of that account in its entirety upon withdrawal from the firm and before I assume the duties of Assistant Secretary – Land and Minerals Management. Pursuant to the Latham & Watkins Partnership Agreement, I will also receive a *pro rata* partnership share based on the estimated value of my partnership interests for services I performed in 2013 through the date of my resignation. The firm will make this payment to me before I assume the duties of Assistant Secretary – Land and Minerals Management.

If Latham & Watkins decides to pay me a bonus for work I performed during 2013, I will not accept the bonus and, instead, will forfeit the payment, unless I receive the payment before I assume the duties of the position of Assistant Secretary – Land and Minerals Management. If I receive any such payment, I will not participate personally and substantially in any particular matter involving specific parties in which Latham & Watkins is a party or represents a party for a period of two years from the date on which I receive payment of the bonus, unless I first receive a written waiver pursuant to 5 C.F.R. § 2635.503(c). If I do not receive any such payment, I will not participate personally and substantially in any particular matter involving specific parties in which Latham & Watkins is a party or represents a

party for a period of one year from the date of my resignation, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

In addition, I will not participate personally and substantially in any particular matter involving specific parties in which a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 CFR 2635.502(d).

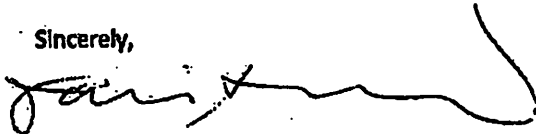
I will divest my interests in the entities listed on Attachment A within 90 days of my confirmation. With regard to each of these entities, I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of the entity until I have divested it, unless I first obtain a written waiver, pursuant to 18 USC 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 USC 208(b)(2). I understand that I may be eligible to request a Certificate of Divestiture for these assets and that a Certificate of Divestiture is effective only if obtained prior to divestiture. Regardless of whether I receive a Certificate of Divestiture, I will divest these assets within 90 days of my confirmation and invest the proceeds in non-conflicting assets.

I understand that as an appointee, I am required to sign the Ethics Pledge (Exec. Order No. 13490) and that I will be bound by the requirements and restrictions therein in addition to the commitments that I have made in this and any other ethics agreement.

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with other ethics agreements of Presidential nominees who file public financial disclosure reports.

Finally, if confirmed as Assistant Secretary—Land and Minerals Management of the Department of the Interior, I am aware that I am prohibited by 30 U.S.C. 1211(f) from holding a financial interest in any surface or underground coal mining operation. Additionally, I am aware that my position is subject to the prohibitions against holding any financial interest in federal lands or resources administered or controlled by the Department of the Interior extended to me by supplemental regulation 5 C.F.R. 3501.103. Therefore, I will not hold any such interests during my appointment.

Sincerely,



Janice M. Schneider

Janice M. Schneider  
Washington, DC

May 14, 2014

Melinda Loftin  
Designated Agency Ethics Official and  
Director, Ethics Office  
U.S. Department of the Interior  
1849 C Street, NW, MS 7346  
Washington, DC 20240

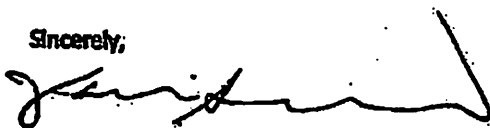
Dear Ms. Loftin,

I am writing to supplement the financial disclosure report that I signed on November 13, 2013 and to supplement the ethics agreement that I signed on November 13, 2013. The purpose of these supplements is to clarify the manner in which I will handle the matter of tax reserves held by Latham and Watkins after I resign from the firm. As stated in my November 13, 2013 letter, I will receive a pro rata partnership share from Latham and Watkins based on the estimated value of my partnership interests for services I performed in 2013 through the date of my resignation. The firm will make this payment to me before I assume the duties of Assistant Secretary – Land and Minerals Management.

Latham & Watkins may withhold a portion of my partnership share as a reserve for account reconciliations and tax payments that the firm makes on behalf of its partners. If these reserve funds are insufficient to cover the applicable taxes, the firm will invoice me for the difference. If the reserve funds exceed the applicable taxes, the firm will refund the balance to me by February 2016. I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the ability and willingness of the firm to provide any payments to me under this tax agreement unless I first obtain a written waiver, pursuant 18 U.S.C. §208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. §208(b)(2).

I have been advised that this ethics agreement supplement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with other ethics agreements of Presidential nominees who file public financial disclosure reports.

Sincerely,



Janice M. Schneider

MAY 21 2017

The Honorable Lisa Murkowski  
Chairman  
Committee on Energy and Natural Resources  
United States Senate  
Washington, D.C. 20510

Dear Chairman Murkowski:

Enclosed you will find my responses to the written questions submitted following the May 18, 2017, hearing on my nomination to be Deputy Secretary of the Department of the Interior.

Please feel free to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "David L. Bernhardt", written over a circular stamp or mark.

David L. Bernhardt

Enclosure



**Attachment referenced in response to Sen. Cortez Masto  
question 1**

**David J. Hayes**  
Washington, D.C. 20510

March 3, 2009

Melinda J. Loftin  
Designated Agency Ethics Official  
and Director, Ethics Office  
U.S. Department of the Interior  
1849 C St. NW. MS 4259  
Washington, DC 20240

Dear Ms. Loftin:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Deputy Secretary of the Department of the Interior.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any other person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

On December 31, 2008, I retired from my position as a partner with the law firm of Latham & Watkins. I currently have a capital account with the firm, and I will receive a refund of that account within sixty days after my retirement (i.e. by approximately February 28, 2009). Until I have received this refund, I will not participate personally and substantially in any particular matter that will have a direct and predictable effect on the ability or willingness of the firm to pay this refund, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1). For a period of one year after my resignation, I will not participate personally and substantially in any particular matter involving specific parties in which the firm of Latham & Watkins is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). In addition, I will not participate personally and substantially in any particular matter involving specific parties in which a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

Following my retirement, I will receive a fixed retirement benefit over a 10-year period based upon a formula computed from years of service, age of retirement, and level of salary. I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the ability or willingness of Latham & Watkins to provide this benefit to me, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1).

Prior to confirmation, I resigned from the following positions: Senior Fellow, World Wildlife Fund; Senior Fellow, Progressive Policy Institute; Consulting Professor, Stanford University; Vice Chairman, American Rivers; Board Member, RESOLVE; Board Member, Natural Heritage Institute and Member, Obama-Biden Transition Project's Agency Review Working Group. Upon confirmation, I will resign from my position as Chairman of Stanford Law School Board of Visitors. For a period of one year after my resignation from each of these entities, I will not participate personally and substantially in any particular matter involving specific parties in which that entity is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

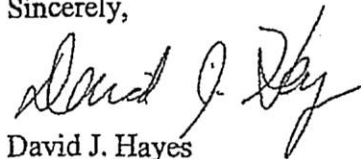
~~[Deletion Per FOIA Exemption 6, 5 U.S.C. § 552(b)(6), Personal Privacy]~~

Upon confirmation, I will also resign my position as a trustee of the B██████ Hayes Trust. For a period of one year after my resignation from this position, I will not participate personally and substantially in any particular matter involving specific parties in which the B██████ Hayes Trust is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

I will retain my interest in the vacation properties in Livonia, New York and in Wintergreen Virginia which are adjacent to Federal lands. Pursuant to 18 U.S.C. § 208, I will not participate personally and substantially in any particular matter that will have a direct and predictable effect on these properties, unless I first obtain a written waiver under section 208(b)(1) or qualify for a regulatory exemption under section 208(b)(2). Any particular matters identified as likely to have a direct and predictable effect on these properties will be routed automatically to an agency official other than me.

If I am confirmed as Deputy Secretary of the Department of the Interior, I am aware that I am prohibited by 30 U.S.C. § 1211(f) from holding a financial interest in any surface or underground coal mining operation. Additionally, I am aware that my position is subject to the prohibitions against holding any financial interest in federal lands or resources administered or controlled by the Department of the Interior extended to me by supplemental regulation 5 C.F.R. § 3501.103. Therefore, I will not hold any such interests during my appointment to the position of Deputy Secretary.

Sincerely,



David J. Hayes

Janice M. Schneider  
Washington, DC

November 13, 2013

Melinda Loftin  
Designated Agency Ethics Official  
and Director, Ethics Office  
U.S. Department of the Interior  
1849 C Street, NW, MS 7346  
Washington, DC 20240

Dear Ms. Loftin,

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interests in the event that I am confirmed for the position of Assistant Secretary—Land and Minerals Management of the U.S. Department of the Interior.

As required by 18 U.S.C. 208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any other person whose interests are imputed to me; unless I first obtain a written waiver, pursuant to 18 U.S.C. 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Upon my confirmation, I will resign from my position as partner with the law firm Latham & Watkins, LLP. I currently have an equity capital account with the firm, and I will receive a refund of that account in its entirety upon withdrawal from the firm and before I assume the duties of Assistant Secretary – Land and Minerals Management. Pursuant to the Latham & Watkins Partnership Agreement, I will also receive a *pro rata* partnership share based on the estimated value of my partnership interests for services I performed in 2013 through the date of my resignation. The firm will make this payment to me before I assume the duties of Assistant Secretary – Land and Minerals Management.

If Latham & Watkins decides to pay me a bonus for work I performed during 2013, I will not accept the bonus and, instead, will forfeit the payment, unless I receive the payment before I assume the duties of the position of Assistant Secretary – Land and Minerals Management. If I receive any such payment, I will not participate personally and substantially in any particular matter involving specific parties in which Latham & Watkins is a party or represents a party for a period of two years from the date on which I receive payment of the bonus, unless I first receive a written waiver pursuant to 5 C.F.R. § 2635.503(c). If I do not receive any such payment, I will not participate personally and substantially in any particular matter involving specific parties in which Latham & Watkins is a party or represents a

party for a period of one year from the date of my resignation, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

In addition, I will not participate personally and substantially in any particular matter involving specific parties in which a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 CFR 2635.502(d).

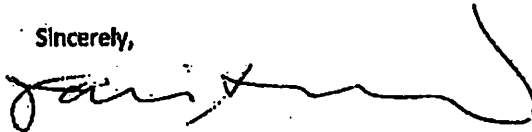
I will divest my interests in the entities listed on Attachment A within 90 days of my confirmation. With regard to each of these entities, I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of the entity until I have divested it, unless I first obtain a written waiver, pursuant to 18 USC 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 USC 208(b)(2). I understand that I may be eligible to request a Certificate of Divestiture for these assets and that a Certificate of Divestiture is effective only if obtained prior to divestiture. Regardless of whether I receive a Certificate of Divestiture, I will divest these assets within 90 days of my confirmation and invest the proceeds in non-conflicting assets.

I understand that as an appointee, I am required to sign the Ethics Pledge (Exec. Order No. 13490) and that I will be bound by the requirements and restrictions therein in addition to the commitments that I have made in this and any other ethics agreement.

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with other ethics agreements of Presidential nominees who file public financial disclosure reports.

Finally, if confirmed as Assistant Secretary—Land and Minerals Management of the Department of the Interior, I am aware that I am prohibited by 30 U.S.C. 1211(f) from holding a financial interest in any surface or underground coal mining operation. Additionally, I am aware that my position is subject to the prohibitions against holding any financial interest in federal lands or resources administered or controlled by the Department of the Interior extended to me by supplemental regulation 5 C.F.R. 3501.103. Therefore, I will not hold any such interests during my appointment.

Sincerely,



Janice M. Schneider

Janice M. Schneider  
Washington, DC

May 14, 2014

Melinda Loftin  
Designated Agency Ethics Official and  
Director, Ethics Office  
U.S. Department of the Interior  
1849 C Street, NW, MS 7346  
Washington, DC 20240

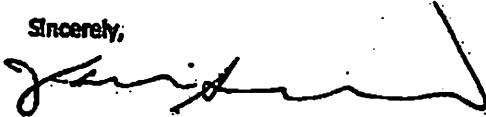
Dear Ms. Loftin,

I am writing to supplement the financial disclosure report that I signed on November 13, 2013 and to supplement the ethics agreement that I signed on November 13, 2013. The purpose of these supplements is to clarify the manner in which I will handle the matter of tax reserves held by Latham and Watkins after I resign from the firm. As stated in my November 13, 2013 letter, I will receive a pro rata partnership share from Latham and Watkins based on the estimated value of my partnership interests for services I performed in 2013 through the date of my resignation. The firm will make this payment to me before I assume the duties of Assistant Secretary – Land and Minerals Management.

Latham & Watkins may withhold a portion of my partnership share as a reserve for account reconciliations and tax payments that the firm makes on behalf of its partners. If these reserve funds are insufficient to cover the applicable taxes, the firm will invoice me for the difference. If the reserve funds exceed the applicable taxes, the firm will refund the balance to me by February 2016. I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the ability and willingness of the firm to provide any payments to me under this tax agreement unless I first obtain a written waiver, pursuant to 18 U.S.C. §208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. §208(b)(2).

I have been advised that this ethics agreement supplement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with other ethics agreements of Presidential nominees who file public financial disclosure reports.

Sincerely,



Janice M. Schneider

**U.S. Senate Committee on Energy and Natural Resources**  
**May 18, 2017 Hearing**  
**The Nomination of Mr. David Bernhardt to be Deputy Secretary of the Interior**

**Questions from Chairman Lisa Murkowski**

**Question 1: I appreciated your answer to my question on consultation with Alaska Natives and American Indians during today's hearing, and have a few brief follow-ups.**

- a. Do you believe that tribal consultation is a requirement?**
- b. What will you do to ensure meaningful consultation with tribal governments?**

**Response to a. and b.:** Chairman Murkowski as I indicated at the hearing, I appreciate the importance of tribal consultation, take consultation seriously, and commit to consult with Alaskan Natives and American Indian Tribes. I will work with Secretary Zinke to implement a culture at the Department of the Interior that ensures opportunities for consultation, where appropriate.

**Question 2: What is your view of compacting programs (other than programs in the Bureau of Indian Affairs) within the Department of the Interior? What would you do, if anything, to move forward with those efforts in this administration?**

**Response:** I am strong supporter of efforts of self-governance and self-determination and believe that compacting can help facilitate meaningful economic improvement. However, I would need to learn more about any specific efforts before describing specific steps the Department should take. I would be happy to do so, if confirmed.

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**Questions from Ranking Member Maria Cantwell**

**Question 1: Cadiz Inc.**

**Regarding Cadiz Inc., please answer the following:**

- A. Your financial disclosure forms indicate that you have been providing legal services to a company called Cadiz Inc. Have you provided any services to Cadiz Inc. in the last 6 months? If so, what has been the nature of those services?**

**Response:** Yes. The nature of the services, as described in the OGE 278e Form that was provided to the Committee after undergoing review by the Office of Government Ethics, is identified as legal services.

- B. Please explain the extent to which your firm's compensation from Cadiz is based on agency or judicial actions and milestones.**

**Response:** I am not the lead attorney for Cadiz Inc. at my firm. While my private law firm does not publically discuss fee agreements, it is my understanding that the stock arrangement you reference is freely available on the world wide web as part of 8-K filings by Cadiz Inc.

- C. Since November of 2016 have you discussed or otherwise communicated about any issue or project that Cadiz Inc. has an interest in with any member of the following:**

- 1. The Presidential Transition Team, and if so who?**

**Response:** No

- 2. Executive branch employees (including political officials), and if so who?**

**Response:** No.

- 3. Members of Congress or their staff, and if so who?**

**Response:** No



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**D. Did you or members of your firm advise or in any way have involvement in the appearance of the Cadiz Water Conveyance Project on the Preside-Elect's Priority List of Emergency and National Security Projects?**

**Response:** I had no involvement with the appearance of the Cadiz Water Conveyance Project on the "Preside-Elect's Priority List of Emergency and National Security Projects," and I do not know if that is a document developed by the Presidential transition.

**E. Do you believe that you or your firm's advocacy or work on behalf of Cadiz Inc. in any way influenced the Bureau of Land Management's issuance of the Instruction Memorandum on March 29, 2017, rescinding the Washington Office Instruction Memorandum No. 2014-122—either directly or indirectly?**

**Response:** The nature of my services to Cadiz Inc is addressed in the materials that I have provided to the Committee that were reviewed and certified by the Office of Government Ethics. I did not engage in regulated lobbying for this client under the Lobbying Disclosure Act of 1995, however, to the extent members of my firm did, their activities are disclosed and publically available at [www.House.gov](http://www.House.gov).

**F. Have you or your firm received any compensation of any kind from Cadiz Inc., including additional shares of stock, since November of 2016? If so, is this compensation in any way reflected in the pay, equity, or bonuses you have received from Brownstein to date? Will the *pro rata* partnership distribution you receive upon your withdrawal from your firm reflect any fees or other form of compensation paid by Cadiz?**

**Response:** As previously stated, my private law firm does not publically discuss the fee agreements of our clients. To the extent that any revenues were received at our firm, expenses are paid and then funds are saved for contingencies and bonus pools, and a monthly distribution to partners is determined. If a monthly distribution is determined, I receive a pro-rata share of the distribution based upon my placement in the firm. Any pro-rata distribution would not include any value from any stock identified in Cadiz Inc's stock price.

**G. Will you recuse yourself from working on any matter in which Cadiz Inc. has as interest or on which you have worked on behalf of Cadiz Inc., for the duration of your service, if confirmed?**

**Response:** I believe that public trust is a public responsibility, that maintaining an ethical culture is important, and that it starts at the top. I will fully comply with the ethics agreement that I signed. In addition, as we discussed at the hearing, for the duration of my service at the Department, I intend to actively seek and consult with the Department's Designated Agency Ethics Official regarding any particular matters involving specific parties of former clients or

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entities represented by my former firm. I will install a robust screening process, should one not exist within the office.

In addition, on May 4, 2017, the Committee received correspondence from the General Counsel of the United States Office of Government Ethics, David J. Apol.

Mr. Apol's correspondence included an enclosure of the "ethics agreement outlining the actions that the nominee [David Bernhardt] will undertake to avoid conflicts of interest." Further, General Counsel Apol explained, "we [the Office of Government Ethics] believe that this nominee [David Bernhardt] is in compliance with the applicable laws and regulations governing conflicts of interest."

Finally, I have reviewed some of the prior ethics agreements provided to the Committee in the past. There is a striking degree of consistency between the ethics agreement that I provided to and that was certified by Mr. Apol, and the agreements provided by other nominees to positions within the Department of the Interior who also worked in large private law firms representing similar clients, and in some cases the same clients. Indeed, nominees with very similar ethics agreements were favorably reported out of the Committee subsequent to the publication of the Inspector General's Report you referenced in your recent letter to me. Copies of two such ethics agreements are attached to this document.

Given General Counsel Apol's determination that the ethics agreement I signed complies with the Office of Government Ethics' regulations and the applicable laws governing conflicts of interest, as well as the obvious similarity between that ethics agreement and those previously found by the Committee to be sufficiently clear to proceed with the nominations, with your personal support, I reaffirm to you that I will comply with the ethics agreement that I have signed.

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**Question 2: Westlands Water District**

**Regarding the Westlands Water District, please answer the following:**

**A. In what court cases and litigation have you represented the Westlands Water District? Please list the cases and their subject matter.**

**Response:**

<b>Case Name</b>	<b>Case #</b>	<b>Subject</b>
Westlands Water District v. United Sates	109 Fed. Cl. 177 12-cv-0012	Water district's claims against the government for alleged breaches of purported contractual obligation to provide drainage to the district.
San Luis & Delta-Mendota Water Authority; Westlands Water District v. Locke	776 F.3d 971 09-cv-1053-LJO-DLB US Dist. Court of Eastern CA Appeal: 12-15144, 15289, 15290, 15291, 15293, 15296	Action pertaining to a formal Biological Opinion ("BiOp") developed by the Commerce Department's National Marine Fisheries Services pursuant to the Endangered Species Act.

**B. During what dates were you registered as a lobbyist for the Westlands Irrigation District?**

**Response:** This information is addressed in the response I have provided to question 20 of the Statement for Completion by Presidential Nominees. In addition, this information is publically available at [www.house.gov](http://www.house.gov).

**C. On what matters did you lobby for on behalf of the Westlands Water District?**

**Response:** Potential legislation related to the Bureau of Reclamation.

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**The Nomination of Mr. David Bernhardt to be Deputy Secretary of the Interior**

**D. Did you lobby or otherwise advise on any legislative language pertaining to the operation of the Central Valley Project or any related Biological Opinions on behalf of the Westlands Water District in 2016?**

**Response:** I was a registered lobbyist for Westlands Water District until November 2016. I was one of many attorneys across the United States who responded to technical drafting requests made by offices in the U.S. House of Representatives and U.S. Senate from members of both political parties. In that capacity, and upon their request, I provided technical drafting assistance.

**E. Did you advise any Members of Congress or their staff on such language after November 18, 2016?**

**Response:** I have not engaged in regulated lobbying on behalf of Westlands Water District after November 18<sup>th</sup>, 2016.

**F. Please provide complete records to the Committee on Energy and Natural Resources of any communications you had with any employee of Congress, the Presidential transition team or executive branch after November 18, 2016.**

**Response:** I am in full compliance with all disclosures and requirements required by the U.S. Senate for consideration as a presidential nominee, including the form entitled Statement for Completion by Presidential Nominees for the Senate Energy and Natural Resources Committee, the clearances required by the Office of Government Ethics and the ethics experts with the Department of the Interior's Ethics Office, and the background investigation by the Federal Bureau of Investigation. It is my understanding that these disclosures are entirely consistent with the past practice for nominees considered and reported favorably by this Committee on a bipartisan basis with the same background in a private law practice, including those who participated on a voluntary basis in presidential transitions.

**G. As an employee and shareholder in Brownstein, have you or will you receive any compensation or financial benefits of any kind from the fees collected from Westlands Water District since November 18, 2016?**

**Response:** As previously stated, my private law firm does not publically discuss the fee agreements of our clients. To the extent that any revenues were received at our firm, expenses are paid and then funds are saved for contingencies and bonus pools, and a monthly distribution to partners is determined. If a monthly distribution is determined, I receive a pro-rata share of the distribution based upon my placement in the firm.



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**H. Will you recuse yourself from working on any matter in which the Westlands Water District has an interest or on which you have worked on for Westlands for the duration of your service, if confirmed?**

**Response:** I believe that public trust is a public responsibility and that maintaining an ethical culture is important. I will fully comply with the ethics agreement that I have signed. As I explained at the hearing, for the duration of my service I intend to actively seek and consult with the Department's Designated Agency Ethics Official regarding any particular matters involving specific parties of former clients or entities represented by my former firm. I will install a robust screening process, should one not exist within the office.

That said, on May 4, 2017, the Committee on Energy and Natural Resources received correspondence from the General Counsel of the United States Office of Government Ethics, David J. Apol.

Mr. Apol's correspondence included an enclosure of the "ethics agreement outlining the actions that the nominee [David Bernhardt] will undertake to avoid conflicts of interest." Further, General Counsel Apol explained, "we [the Office of Government Ethics] believe that this nominee [David Bernhardt] is in compliance with the applicable laws and regulations governing conflicts of interest."

In addition, I have reviewed some of the prior ethics agreements provided to the Committee in the past. There is a striking degree of consistency between the ethics agreement that I provided to, and that was certified by, Mr. Apol and the agreements provided by other nominees to positions within the Department of the Interior who also worked in large private law firms representing similar clients, and in some cases the same clients. Indeed, nominees with very similar ethics agreements were favorably reported out of the Committee subsequent to the publication of the Inspector General's Report you referenced in your recent letter to me. Copies of two such ethics agreements are attached to this correspondence.

Given General Counsel Apol's determination that the ethics agreement I signed complies with the Office of Government Ethics' regulations and the applicable laws governing conflicts of interest, as well as the obvious similarity between that ethics agreement and those previously found by the Committee to be sufficiently clear to proceed with the nomination, with your personal support, I reaffirm to you that I will comply with the ethics agreement that I have signed.

**U.S. Senate Committee on Energy and Natural Resources**

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**The Nomination of Mr. David Bernhardt to be Deputy Secretary of the Interior**

**I. Will you recuse yourself from working on any matter pertaining to the Central Valley Project for the duration of your service, if confirmed?**

**Response:** As I have stated above, I believe that public trust is a public responsibility and that maintaining an ethical culture is important. I will fully comply with the ethics agreement that I have signed. For the duration of my service, I intend to actively seek and consult with the Department's Designated Agency Ethics Official regarding particular matters involving specific parties of former clients or entities represented by my former firm. In addition, I will install a robust screening process, should one not exist within the office.

**J. Will you recuse yourself from working on any matter pertaining to the Endangered Species Act and any relevant Biological Opinions that relate to the operation of the Central Valley Project for the duration of your service, if confirmed?**

**Response:** I believe that public trust is a public responsibility. I believe that maintaining an ethical culture is important. I will fully comply with the ethics agreement that I signed. For the duration of my service, I intend to actively seek and consult with the Department's Designated Agency Ethics Official regarding particular matters involving specific parties of former clients or entities represented by my former firm. In addition, I will install a robust screening process, should one not exist within the office.

**Question 3: Conflicts of Interest**

**On May 11, 2016, I sent you a letter asking you to clarify what steps you will take to avoid conflicts of interest. You have not responded. Please provide a written response to the questions contained in that letter, which were:**

- A. Please identify, with specificity, which particular matters involving your clients are currently pending before the Department, and any additional ones you believe may come before the Department within the next two years, which you understand your ethics agreement commits you to not participate in.**
- B. With respect to each of these matters, please identify "precisely what measure will be undertaken" to avoid an actual or apparent conflict of interest.**

**Response to A. and B.:** Seven days before you sent your correspondence to me asking these questions, the Committee on Energy and Natural Resources had received correspondence from the General Counsel of the United States Office of Government Ethics, David J. Apol.

Mr. Apol's correspondence included an enclosure of the "ethics agreement outlining the actions that the nominee [David Bernhardt] will undertake to avoid conflicts of interest."

**U.S. Senate Committee on Energy and Natural Resources**  
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Further, General Counsel Apol explained, “we [the Office of Government Ethics] believe that this nominee [David Bernhardt] is in compliance with the applicable laws and regulations governing conflicts of interest.”

In addition, I have reviewed some of the prior ethics agreements provided to the Committee in the past. There is a striking degree of consistency between the ethics agreement that I provided to, and that was certified by, Mr. Apol and the agreements provided by other nominees to positions within the Department of the Interior who worked in large private law firms representing similar clients, and in some cases the same clients. Indeed, nominees with very similar ethics agreements were favorably reported out of the Committee subsequent to the publication of the cited Inspector General’s Report you referenced in your recent letter to me. Copies of two such ethics agreements are attached to this correspondence.

Given General Counsel Apol’s determination that the ethics agreement I signed complies with the Office of Government Ethics’ regulations and the applicable laws governing conflicts of interest, as well as the obvious similarity between that ethics agreement and those the Committee previously found sufficiently clear to proceed with the nomination, with your personal support, I reaffirm that I will comply with the ethics agreement that I have signed.

In addition, as a general matter, it is my experience that the focus of the chief operating officer of the Department of the Interior will generally not be on particular matters involving specific parties. However, I intend to implement a robust screening process and work closely with the Designated Agency Ethics Official to ensure that I am implementing best practices in my office for the duration of my tenure, should I be confirmed.

**C. You reserve the right, in your ethics agreement, to seek a waiver from your recusals in accordance with 5 C.F.R. § 2635.502(d). Under what circumstances would you seek such a waiver? Would you commit to making any such waiver request public?**

**Response:** I do not know under what circumstances I might seek a waiver because I do not anticipate doing so. However, should I seek a waiver from the Designated Agency Ethics Official, I will discuss whether such a request should be made public.

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**The Nomination of Mr. David Bernhardt to be Deputy Secretary of the Interior**

**D. You were widely reported in the press as heading President-elect Trump's transition team for the Department of the Interior, but make no mention of it in your questionnaire.**

- 1. Did you serve on President-elect Trump's transition team for the Department of the Interior? If so, in what capacity? Beginning when and ending when?**
- 2. Were you compensated for your service on the transition team?**
- 3. Were you still employed by your law firm while serving on the transition team? Were you still receiving compensation from your law firm while working for the transition team?**
- 4. Did you sign the transition team's ethics pledge? If so, please provide a copy.**

**Response to D1-4:** I served on the President's transition team throughout the transition as a part-time, unpaid volunteer from approximately September 19<sup>th</sup> through the inauguration.

Question number 8 of the Committee's Statement for Completion by Presidential Nominees, which I was asked by the Committee to complete, requests material related to employment positions held since college. I fully responded to that question. In addition, my response is consistent with the personal statement of other nominees who have come before this Committee, reported participation in the transition activities of prior administrations, but did not cite any transition activities in response to the employment question.

While I am unable to provide you copy of any ethics agreement I signed for that service, it is my understanding that one version of a Trump For America Ethical Code of Conduct is publically available through the world wide web at <http://www.wsj.com/public/resources/documents/ethicscode.pdf>.



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**Question 4: Recusals from Conflicts of Interest**

**A. Do you believe that your representation of some of your clients—like Westlands or Cadiz—has been so substantial that a reasonable person might question your impartiality beyond the one-year period in your recusal agreement and the two-year period in your ethics pledge under President’s Trump executive order?**

**Response:** No, nor do I believe would a reasonable person, after a 2 year period.

**B. Would you be willing to recuse yourself from particular matters involving those clients for the duration of your tenure at the Interior Department?**

**Response:** I believe that public trust is a public responsibility and that maintaining an ethical culture is important. I will fully comply with the ethics agreement that I signed. As I stated at the hearing, for the duration of my service I intend to actively seek and consult with the Department’s Designated Agency Ethics Official regarding particular matters involving specific parties of former clients or entities represented by my former firm. In addition, I will install a robust screening process, should one not exist within the office.

That said, on May 4, 2017, the Committee on Energy and Natural Resources received correspondence from the General Counsel of the United States Office of Government Ethics, David J. Apol.

Mr. Apol’s correspondence included an enclosure of the “ethics agreement outlining the actions that the nominee [David Bernhardt] will undertake to avoid conflicts of interest.” Further, General Counsel Apol explained, “we [the Office of Government Ethics] believe that this nominee [David Bernhardt] is in compliance with the applicable laws and regulations governing conflicts of interest.”

In addition, I have reviewed some of the prior ethics agreements provided to the Committee in the past. There is a striking degree of consistency between the ethics agreement that I provided to, and that was certified by, Mr. Apol and the prior agreements provided by other nominees to positions within the Department of the Interior who worked in large private law firms representing similar clients, and in some cases the same clients. Indeed, nominees with very similar ethics agreements were favorably reported out of the Committee subsequent to the publication of the Inspector General’s Report you referenced in your recent letter to me.

Given General Counsel Apol’s determination that the ethics agreement I signed complies with the Office of Government Ethics’ regulations and the applicable laws governing conflicts of interest, as well as the obvious similarity between that ethics agreement and those the Committee previously found sufficiently clear to proceed with the nomination, with your personal support, I reaffirm that I will comply with the ethics agreement that I have signed.

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**Question 5: Service on the Presidential Transition Team**

Regarding your service on the Presidential Transition Team for Donald J. Trump, please answer the following questions:

**A. Did you discuss any matter or issue for which you or your firm provide legal or lobbying services with the Presidential Transition Team? If so, what matters or issues? Please list them.**

**Response:** I was not involved in any particular transition matter for which I or my firm provided legal or lobbying services.

**B. As a lawyer, do you believe that a Presidential transition team's non-disclosure agreement authorizes the withholding of information from Congress?**

**Response:** No.

**Question 6: Antiquities Act**

**Do you agree with President Trump that the use of the Antiquities Act to designate national monuments is an "egregious abuse of federal power?" If so, please provide specific examples of national monuments designations that you believe reflect an abuse of federal power.**

**Response:** As I stated at my hearing, any decisions on monument designations will be made by President Trump. He has stated that public outreach and proper coordination with state, tribal, and local officials and other relevant stakeholders are key elements of any designation, and I agree with this view. I understand that Secretary Zinke is currently reviewing certain monument designations made since 1996. If confirmed, I will support the Secretary and President as appropriate.

**Question 7: Offshore Drilling**

**A. Please provide a list of the clients for which you have provided lobbying or litigation services since January 2009, on matters pertaining to federal leasing policies on the Outer Continental Shelf. Please identify the matters on which you lobbied and the litigation in which you represented each client.**

**Response:** Please see question 20 of the Statement of Completion by Presidential Nominees, which references Cobalt International Energy Incorporated. I have also represented the National Oceans Industry Association as a defendant intervenor in a federal district court case in the United States District Court for the District of Columbia, where judgement was

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entered on March 12, 2014.

**B. Please identify which clients lobbied or litigated on each of the following:**

(1) The rule entitled "Oil and Gas and Sulfur Operations in the Outer Continental Shelf- Blowout Preventer Systems and Well Control" 81 *Fed. Reg.* 25888 (April 29, 2016);

(2) The proposed rule entitled "Air Quality Control, Reporting, and Compliance," 81 *Fed. Reg.* 19718 (April 5, 2016);

(3) NOAA's Technical Memorandum NMFS-OPR-55 of July 2016 (Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing); and

(4) The Final Rule entitled "Oil and Gas and Sulfur Operations on the Outer Continental Shelf—Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf," 81 *Fed. Reg.* 46478 (July 15, 2016).

**Response:** As described in my Statement for Completion by Presidential Nominees, I have not engaged in regulated lobbying activities regarding such issues since 2013, nor have I litigated on any of the matters described in 1-4.

**C. Did you advise the Presidential Transition Team on matters pertaining to Federal Offshore Leasing policy? If so, please provide any written documentation associated with the policies you advocated.**

**Response:** My role did not include advocacy.

**D. Given your previous activities lobbying and litigating on matters relevant to federal offshore leasing policies, will you recuse yourself from activities undertaken by the Department pursuant to the Executive Order issued April 28, 2017, entitled "Implementing an America-First Offshore Energy Strategy"?**

**Response:** I believe that public trust is a public responsibility and that maintaining an ethical culture is important. If I am confirmed, I will seek the guidance of the Designated Agency Ethics Official regarding all actions that I must take to comply with my ethics agreement. I will fully comply with the ethics agreement I signed. Moreover, for the duration of my service I intend to actively seek and consult with the Department's Designated Agency Ethics Official, regarding particular matters involving specific parties of former clients or entities represented by my former firm. In addition, I will install a robust screening process, should one not exist within the office.

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That said, on May 4, 2017, the Committee on Energy and Natural Resources received correspondence from the General Counsel of the United States Office of Government Ethics, David J. Apol.

Mr. Apol's correspondence included an enclosure of the "ethics agreement outlining the actions that the nominee [David Bernhardt] will undertake to avoid conflicts of interest." Further, General Counsel Apol explained, "we [the Office of Government Ethics] believe that this nominee [David Bernhardt] is in compliance with the applicable laws and regulations governing conflicts of interest."

In addition, I have reviewed some of the prior ethics agreements provided to the Committee in the past. There is a striking degree of consistency between the ethics agreement that I provided to, and that was certified by, Mr. Apol and the prior agreements provided by other nominees to positions within the Department of the Interior who worked in large private law firms representing similar clients, and in some cases the same clients. Indeed, nominees with very similar ethics agreements were favorably reported out of the Committee subsequent to the publication of the Inspector General's Report you referenced in your recent letter to me.

Given General Counsel Apol's determination that the ethics agreement I signed complies with the Office of Government Ethics' regulations and the applicable laws governing conflicts of interest, as well as the obvious similarity between that ethics agreement and those the Committee previously found sufficiently clear to proceed with the nomination, with your personal support, I reaffirm that I will comply with the ethics agreement that I have signed.

**E. Do you support the current moratorium in relation to offshore drilling in the Eastern Gulf of Mexico?**

**Response:** I am aware that, in response to the President's recent Executive Order on the Outer Continental Shelf, Secretary Zinke issued a Secretarial Order 3350 directing the Bureau of Ocean Energy Management to review and develop a new five-year plan. I support the President's and Secretary's actions to examine new leasing opportunities within the OCS in order to advance the Administration's energy agenda.

**F. Do you support extending this moratorium?**

**Response:** As discussed in the response to the previous question, I support the President's and Secretary's actions aimed at increasing offshore production while balancing conservation objectives.

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**Question 8: Congressional Requests**

**I would like to clarify how you intend to treat Congressional requests for information. When you were the Director of the Office of Congressional and Legislative Affairs under President Bush, in 2003 you responded to the committee's ranking member that you were processing his request for information in accordance with the Freedom of Information Act, and that you were withholding information not subject to disclosure under that Act.**

- A. If confirmed as Deputy Secretary, what standard will you use in determining how to handle requests for information from Members of Congress? What kinds of information do you believe are exempt from disclosure when responding to Congressional requests for information?**

**Response:** The Department itself needs to carefully weigh every request from Congress and ensure it is meeting the needs of Congress to facilitate harmonious relationships with you and this Committee. As I stated in 2006, my personal view is that the Department of the Interior needs to provide full disclosure to Members of Congress, subject to the Department of Justice's guidelines. In 1998, the Chief of Staff for the Secretary of the Interior promulgated guidance for the Department and stated in that guidance that was to treat requests from individual members under FOIA. Since that time, I have reviewed the Department of Justice's guidelines and I think that the Department's 1998 guidance missed a number of caveats that were contained within the Department of Justice's guidelines.

- B. Does the Administration have a formal or informal policy of not responding to requests for information from Democratic Members of Congress?**

**Response:** Not to my knowledge.

- C. Will you commit to responding in a timely manner to all Congressional questions or informational requests, whether submitted by a Republican or Democratic member?**

**Response:** I expect the Office of Congressional Affairs to make its best efforts to do so.

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**Question 9: Use of Public Lands**

**A. Do you believe that extractive development (such as oil, gas, mining etc.) is inherently a better use of our public lands than using those lands for conservation or outdoor recreation use? Can you provide any specific examples of where you have advocated conservation or recreation purposes over development of specific public lands?**

**Response:** I do not believe that extractive development is an inherently better use. A specific example of advocating for conservation was the resolution of the National Park Service claims for the Black Canyon of the Gunnison reserved water rights.

**B. Is there any case of suspending energy or mineral extraction on federal lands that you would support, and, if so, what would be an appropriate case for a Secretary or President to do so?**

**Response:** I am in agreement with Secretary Zinke that development can and should be conducted in accordance with the principles of multiple use. If confirmed, I will work with the Secretary to balance uses, including hunting, fishing, hiking, and other forms of recreation, which play an important role on public lands.

**Question 10: Impact of Trump Budget Proposal**

**The President's initial budget request for the Department of the Interior is \$11.6 billion for FY 2018, a \$1.5 billion or 12 percent decrease from the currently enacted spending level. If confirmed as Deputy Secretary, you will be the chief operating officer for the department. What would the impact be of a 12 percent budget cut be on the department, including on tribal programs, on national park operations, and other key agency programs?**

**Response:** The impact of such a cut would depend on how the 12 percent cut was allocated or structured, which is information that I do not have access to at this time.

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**Question 11: Hardrock Mining**

**Hardrock mines pay no federal reclamation fee, unlike coal mines. Nor do they pay any royalty. In his confirmation hearing, Secretary Zinke stated that “this is where we need to have the discussion. [...] And I’ll be glad to work with you on it because it needs to be fair.” Do you agree with Secretary Zinke that hardrock mines on federal land should get a similar treatment to keep our policies fair?**

**Response:** I agree with Secretary Zinke that we should have the discussion and that it needs to be fair.

**Question 12: Coal Moratorium**

**On March 29, Secretary Zinke ended a moratorium on federal coal leasing and all work on a programmatic environmental impact statement (EIS) begun under Secretary Jewell. Last week, a group of states sued the Department for violating the National Environmental Policy Act, given the Secretary’s claim that “the public interest is not served” by continuing the BLM’s scientific review. Given your experience with the Department’s alternation of scientific conclusions under Secretary Norton, do you think it is credible or legally defensible for the Department to ignore the science already reviewed by the BLM in its January scoping report?**

**Response:** I reject the premise of your question, and I have not reviewed the referenced report. Should I be confirmed, I would be happy to opine. I am skeptical that “science” was ignored.

**Question 13: Coal**

**On March 29, 2016, Secretary Zinke announced that a comprehensive review of the federal coal program would be terminated, along with lifting a moratorium on significant new coal leases pending the outcome of that review.**

**A. Do you agree that the federal coal leasing program is flawed and needs to be modernized, consistent with two decades or more of independent audits and evaluations?**

**Response:** I believe that most programs, including the coal program, could be modernized and improved, but I have not reviewed the mentioned reports.

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**B. Will you commit to addressing these long-standing problems and ensure that Americans receive a fair economic return for these public resources before significant new leasing occurs?**

**Response:** I am committed to ensuring that American taxpayers receive a fair return for public resources.

**Question 14: Improving BLM Oil and Gas Permitting Practices**

**In a recently published report, the GAO identified insufficiencies in the BLM's practices with respect to the development of oil and gas on Federal lands. In particular, after investigating 42 BLM offices, the GAO found that the extent to which the BLM approves requests for exceptions to environmental lease and permit requirements is unknown. The BLM doesn't keep records of who actually submits exception requests, nor does it keeps records of request determinations – which raises the question of whether the agency can meet its statutory environmental responsibilities. The same is true for inspections. The GAO found that the BLM didn't use data from site inspections to evaluate whether its permit process was protecting the environment. The BLM doesn't have procedures or guidance on how inspections should be documented and how inspection data should be used. Further, the BLM doesn't always include the public during the permitting stage of development. The GAO found that by not allowing the public to participate in drilling decisions derived from the prior public planning process, the BLM created a set of conditions that allow poor drilling practices to continue to go unchecked. Will you commit to continuing the Department's work to implement the recommendations of the GAO with respect to these issues and improving these processes?**

**Response:** If I am confirmed, I can commit that the Department will consider the GAO's recommendations and incorporate them, as appropriate.

**Question 15: Onshore Oil and Gas Royalties**

**A. Do you believe that Americans are getting a fair return under the current valuation rules for production of oil and gas on federal lands?**

**Response:** I am informed that Secretary Zinke has tasked the Royalty Policy Committee to determine whether taxpayers are getting a fair return and I look forward to the results.



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**B. Can you tell me how, if confirmed, you will work with Secretary Zinke to achieve a common goal of ensuring a fair return to taxpayers?**

**Response:** I agree that we must ensure taxpayers are getting a fair return. As stated previously, if confirmed I look forward to learning the results of the Royalty Policy Committee's efforts.

**Question 16: BLM Master Leasing Plans**

**Master leasing plans (MLPs) were designed to provide a legal framework for evaluating oil and gas proposals, in particular because as recently as 2009, BLM staff "believed they were required by law to give greater deference to mineral leasing proposals than to the protection of other land uses..." Do you agree that MLPs are necessary in removing ambiguity around multiple land use?**

**Response:** I agree that clear guidance is a necessary component of successful policies. I would need to learn more about the framework to provide a meaningful response to this question. If I am confirmed I would be happy to get up to speed on the issue and meet with you to discuss it further.

**Question 17: Taylor Energy**

**A. If confirmed, will you ensure that Taylor Energy will remain financially responsible to respond to the ongoing oil discharge from the well?**

**B. Since your firm worked directly with Taylor Energy, will you recuse yourself from all future work on this topic since you advocated for one particular outcome in the past?**

**Response to A and B:** I believe that public trust is a public responsibility and that maintaining an ethical culture is important. If I am confirmed, I intend to seek the guidance of the Designated Agency Ethics Official regarding all actions that I need to take to comply with my ethics agreement. I will fully comply with the ethics agreement I signed. Moreover, for the duration of my service, I intend to actively seek and consult with the Department's Designated Agency Ethics Official regarding particular matters involving specific parties of former clients or entities represented by my former firm. In addition, I will install a robust screening process, should one not exist within the office.

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**Question 18: Arctic**

**You recently served as Counsel to the State of Alaska in *State of Alaska v. Jewell, et al*, which challenged the Department of the Interior's decision to deny the state a permit for exploratory oil and gas studies in the 1002 section of the Arctic National Wildlife Refuge. Due to your inability to maintain impartiality on this issue, will you recuse yourself from issues relating to drilling in the Arctic National Wildlife Refuge?**

**Response:** I reject the premise of your question, which appears to be that litigation on a particular legal question regarding whether the lawfulness of Department of the Interior actions creates a presumption of permanent partiality on different matters. I believe that public trust is a public responsibility and that maintaining an ethical culture is important. If I am confirmed, I will seek the guidance of the Designated Agency Ethics Official regarding all actions that I need to take to comply with my ethics agreement. I will fully comply with the ethics agreement I have signed. For the duration of my service, I intend to actively seek and consult with the Department's Designated Agency Ethics Official regarding particular matters involving specific parties of former clients or entities represented by my former firm. In addition, I will install a robust screening process, should one not exist within the office.

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**Question 19: Bush Administration Scandals**

**During your time as Solicitor at the Department of the Interior under President George W. Bush, the Deputy Assistant Secretary for Fish, Wildlife and Parks—Julie MacDonald—resigned her position after being found to have committed unethical activities, specifically pressuring Fish and Wildlife Service scientists to alter findings and data to suit political ends in regards to Endangered Species Act determinations. In the Inspector General's report on this scandal, it was pointed out that you had been very involved in ESA decisions and were the person who would make final decisions on such matters should a dispute arise. Can you give an account of your involvement in tampering with scientific findings and in the Julie MacDonald issue on the whole? Do you currently work with Ms. MacDonald in her role with Westlands Water District?**

**Response:** I became involved with matters related to the Endangered Species Act because the listing, critical habitat, and litigation defense process seemed broken as I evaluated the work of the Office of the Solicitor. The implementation program, from a legal review process, was a mess. Indeed, it is demonstrated in the report you reference that some lawyers

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in the Solicitor's Office had found packages drafted in the field and region to be not legally sufficient for years – and not merely as result of the actions of the Deputy Assistant Secretary. I thought this was a serious problem, and I knew improvements to the Office of the Solicitor's role were necessary to support these decisions. As a result of reaching this conclusion, I took various steps to address the challenges shortly after I was sworn in as Solicitor. For example, one of my first acts as Solicitor was to provide clear direction on what it meant to complete a legal review as an office of the Solicitor attorney, and my expectations as to how issues should be elevated to reach resolution if the bureau's client representatives were not accepting the legal advice that was provided. In addition, I began an effort to evaluate certain questions to evaluate the defensibility of legal positions that did not appear successful and to address other questions the U.S. Fish and Wildlife Service seemed to be grappling with.

I was not involved in tampering with scientific findings, and any such inference is wrong.

As I explained, I put in place mechanisms to ensure that lawyers' comments on flawed packages were elevated through the ranks all the way to the Deputy Secretary, if necessary, to ensure such matters were resolved. It is concerning that such mechanisms appear to have not remained in place in recent years.

I am not aware of any referenced role Ms. MacDonald has with Westlands Water District.

**Question 20: Maintaining Public Lands**

**Secretary Zinke has stated plainly to this committee that he will not sell or transfer our public lands. Will you also commit to keeping our public lands in the federal estate?**

**Response:** I share Secretary Zinke's opposition to the sale or wide scale transfer of federal lands. As the Secretary offered in his written responses to this Committee, "...there are some situations in which commitments have previously been made, inholdings need to be swapped or exchanged, or land banks are well situated to address the needs of growing urban areas, where limited transfer is appropriate." I would need to review such proposals before making any decisions.

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**Question 21: Methane**

**As you know, the BLM Methane and Natural Gas Waste Prevention rule is in effect after some in Congress failed last week to nullify the rule under the Congressional Review Act.**

- A. Prior to your service on the President-elect's transition team, did you engage in lobbying on behalf of oil and gas clients on this rule?**

**Response:** No, I have not engaged in regulated lobbying on this issue.

- B. What are your plans for effectively implementing this rule to ensure producers do not waste valuable energy resources we all own, while exercising the considerable flexibility built into the rule to contain the costs of compliance.**

**Response:** I echo the Secretary's commitment to ensuring that the American taxpayers get a fair return from natural resource development on federal lands. If confirmed, I will support the Secretary's efforts to review this regulation, in addition to other programs at the Department, and to evaluate whether there are opportunities to ensure that fair return is captured.

**Question 22: Wilderness**

**Our nation's public lands are incredible assets to the country that support a booming outdoor recreation economy as well as clean air, clean water, and healthy ecosystems for wildlife. At the core of these public lands are the designated wilderness areas across the country that provide the most rugged, wild, outdoor experiences one can have.**

**Will you commit as Deputy Secretary of Interior to protecting and enhancing these incredible places so that their wilderness values are upheld for all future generations of Americans to enjoy?**

**Response:** Like you, in general, I find wilderness areas to provide the most rugged wild outdoor experiences one can have, and I believe they provide special solitude and enjoyment today and into the future.

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**Question 23: Tribal Consultation**

**Tribal Consultation is governed by Executive Order 13175 and requires consultation with tribes on all “Policies that have tribal implications,” including “regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.” Will you fully comply with and Tribal consultation requirements and ensure that the Department will conduct meaningful tribal consultation on all policies that have tribal implications?**

**Response:** As I indicated at the hearing, I appreciate the importance of tribal consultation, take consultation seriously, and commit to consult with tribes.

**Question 24: Trust responsibility to Tribes**

**The federal government has moral and legal obligations to uphold its treaty and trust responsibilities to Native Americans and engage with tribes on a government-to-government basis. This government-to-government relationship is the basis for tribal consultation, the process by which the United States engages in a meaningful, good-faith dialogue with tribes. Interior, by virtue of its role in Native American affairs, plays a prominent part in how the government engages in tribal consultation.**

- A. If confirmed, will you uphold the federal trust responsibility and ensure that tribes are provided with adequate government-to-government consultation on any issue that may affect them?**
  
- B. In the wake of the Dakota Access Pipeline, three federal agencies, including Interior, published a report in January 2017 entitled, “Improving Tribal Consultation and Tribal Involvement in Federal Infrastructure Decisions.” The subject of months-long consultation across Indian country, this report sets forth a number of recommendations to improve the process for permitting and infrastructure development. What steps do you intend to take to incorporate this report into the agency’s decision-making process?**

**Response to A. and B.:** Before I was out of law school, I was receiving lessons outside class on the meaning of the federal government’s trust responsibility from a remarkable tribal leader and his longtime attorney, as they tried to advocate their interests in Congress. They both had a very significant impact on the development of my perspective of the trust responsibility and self-determination. I am not familiar with the report published by the previous Administration, but as I indicated at the hearing, I appreciate the importance of tribal consultation and take it and the trust responsibility seriously.

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More important than my views, however, are the words of Tribes who know me, such as the Southern Ute Tribe, which has stated its belief that I “am well positioned to help lead the Department of the Interior in a manner that respects the federal trust responsibility to Indian tribes and empowers tribal communities to exercise greater self-determination.”

**Question 25: Co-management with Tribes**

**Do you believe in co management when tribes have a significant interest in cultural preservation of an area?**

**Response:** I think co-management can be appropriate. From my perspective, it is appropriate to consider such matters on a case-by-case basis. I believe it is worth looking at and accommodating, where appropriate.

**Question 26: Tribal Trust**

**Secretary Zinke recently stated that tribes should have an “off-ramp” with regard to the Indian Reorganization Act – that tribes should “have a choice of leaving Indian trust lands and becoming a corporation . . .” The last time an administration attempted to privatize Indian lands was nearly seventy years, when Congress terminated more than one hundred tribes and small bands, depriving nearly 1.4 million acres of land of federal trust protections. In most cases, the impact of termination on a tribe was to increase poverty.**

**A. Can you please clarify the Secretary’s remarks regarding privatizing Indian country?**

**Response:** I am not aware of the remarks.

**B. Can you please share your views on the importance the Administration will place on the land to trust process?**

**Response:** I have not discussed this issue with the Secretary or anyone in the Administration and thus have not formed a view.

**Question 27: Tribal Land into Trust**

**Restoring tribal homelands rebuilds tribal land bases and strengthens the relationship between tribes and the federal government. It also makes administering justice and engaging in economic development easier by reducing checkerboard landholdings. During your time at the Department of the Interior, it is reported that the Department imposed a de facto moratorium on land into trust acquisitions through agency**

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**memorandums.**

- A. Can I get a commitment from you that the Interior Department will not put in place a land into trust moratorium? If you can't make that commitment, would you at least commit to a transparent process that prioritizes meaningful consultation with tribes and tribal organizations - on an open and fair basis – so their voices can be heard on any proposed changes to the Department's land into trust procedures?**

**Response:** I will commit to learning more about the matter and talking to your staff.

- B. In 2008, the Department of the Interior, through then-Assistant Secretary Carl Artman, finalized guidance for restricting land to be taken into trust related to gaming. The Department did not consult with tribes in drafting this guidance. Can I get a commitment from you that the Interior Department will consult with tribes on a government-to-government basis when developing any additional guidance or regulations as it pertains to land into trust acquisitions?**

**Response:** I am not sure what, if any, actions have been taken regarding this matter, but in general, I support consultation.

**Question 28: Tribal Sovereignty**

**Well-settled principals of tribal sovereignty provide that tribes be free from interference of state and local jurisdictions. While you were Solicitor, however, you spearheaded sweeping changes to Interior's off-reservation trust acquisitions by requiring memoranda of understanding between local governments and the tribal applicants, effectively giving localities veto authority over trust acquisitions.**

- A. What role do you believe is appropriate for state and local governments to play in a tribe's economic development vis-à-vis the land into trust process?**
- B. Please state the bases of authority—contained within the Indian Reorganization Act or elsewhere in law—that authorizes Interior to elevate the concerns of states over that of tribes.**

**Response:** Because I am not currently at the Department, I would need to review the current land into trust procedures and process, if confirmed.



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**Question 29: Tribal Energy**

**As the Department of Energy laid out during a recent Tribal Energy summit, the potential for renewable energy in Indian Country is enormous. While reservations account for 2% of the nation's land mass, they hold 5% of the nation's potential renewable energy resources. The Department of Energy also estimates that wind power from tribal lands could satisfy 32% of the total U.S. electricity demand. And solar production from Indian lands could generate enough energy to power the country two times over.**

**We've also heard from the GAO that the Department of the Interior is turning its attention to conventional fossil fuels for development, this despite the upward trajectory of renewables.**

**What role do you think renewable energy should play in energy development in Indian Country?**

**Response:** I believe it can play a significant role. The Secretary has made it one of his highest priorities that tribes should be able to make their own decisions regarding what type of resource development, including renewable energy, will best benefit each individual tribe. I support the President's and the Secretary's goals.

**Question 30: Tribal Gaming**

**While you were with the Department of the Interior, the agency implemented a number of sweeping regulatory changes that had the effect of slowing down gaming approvals. Yet the Indian Gaming Regulatory Act provides tribes, states, and the surrounding counties with billions of dollars nationally.**

**A. Do you intend to seek changes to implementation of the Indian Gaming Regulatory Act, either by regulation or through official or unofficial agency guidance??**

**Response:** Because I am not at the Department, I cannot speak to the Department of the Interior's plans on this matter or whether changes might be considered for this program.

**B. Do you commit to engaging in meaningful consultation with tribes on any changes this Department makes to how it implements the Indian Gaming Regulatory Act?**

**Response:** As I have indicated previously, I support consultation.

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**Question 31: Federal Recognition**

**The Executive branch has recognized tribes through executive orders and other federal action for more than a century, and Interior first promulgated regulations on this process more than forty years ago, in 1978. Federal recognition is extremely powerful: it allows a tribe to exercise its sovereign status on equal footing with states, with the full panoply of associated rights, such as the right to tax and assert civil and criminal jurisdiction. Also with federal recognition comes eligibility for federally-funded services such as health care and housing assistance. Given the importance of the decision to recognize a tribe, Interior has put in place a process intended to be free of political considerations.**

**As Deputy, what steps will you take to ensure the process is free from political interference?**

**Response:** I am not familiar with the current state of the federal recognition process and will examine the current regulations, visit with career staff, and meet with you to discuss appropriate steps.

**Question 32: Coal self-bonding**

**A significant number of coal companies filed for bankruptcy last Congress. These bankruptcies highlighted the fact that federal and state coal reclamation performance bonding requirements are inadequate. In response, the Department took important steps to begin address its financial assurance rules under the Surface Mining Control and Reclamation Act, including implementation by states of those rules. Earlier this year, the GAO concluded that across a range of federal energy and natural resources, coal alone benefits from being able to “self-bond” in order to meet reclamation performance requirements.**

**Will you commit to continuing the Department’s important work to reform the financial assurance rules for coal in light of lessons learned from the recent slate of bankruptcies?**

**Response:** I am not familiar with the current status of the Department’s financial assurance regulations under the Surface Mining Control and Reclamation Act. If confirmed, I will commit to becoming better acquainted with the issue.

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**Questions from Senator John Barrasso**

**Question 1: Among the Obama Administration’s particularly harmful regulations is the Bureau of Land Management’s “Waste Prevention, Production Subject to Royalties, and Resource Conservation” rule regarding venting and flaring of methane on federal and Indian lands. I believe this rule is unnecessary, costly, and duplicative of existing state and federal regulations. Please explain the steps you will take to address this rule and similar duplicative rules, and to prevent future duplicative regulations from being issued.**

**Response:** I have not yet had any substantive interaction with the Department on implementing the President’s America First Energy Plan. However, closely examining regulations to eliminate those that are duplicative and burdensome will be a start. A brighter future depends on energy policies that stimulate our economy, ensure our security, and protect our health.

**Question 2: In Wyoming, there are plans underway to expand surface water storage capacity. For too long, the permitting review process at the Department of the Interior has proven to be more timely and costly than necessary. This uncertainty threatens project funding and completion. If confirmed, will you commit to improving and streamlining the process to insure that timely communications with applicants occur and decisions on water storage facility permits are made?**

**Response:** If confirmed, I will look into this matter. I recognize the need to streamline and expedite the consideration of water storage projects, as these projects have the potential to provide numerous benefits, including reliable water supplies, flood control, hydropower, and water quality improvements.

**Question 3: Permitting on federal lands frequently requires mitigation of some kind. The Obama Administration took many liberties with the concept of mitigation, including issuing a revised Department-wide strategy and suggesting that advanced mitigation should be the future standard. What guidance would you give the Department to ensure there are clear, consistent guidelines for mitigation in the future?**

**Response:** If confirmed, I would work to ensure that program authorizations are examined to confirm whether the Department’s legal mandates establish when and how mitigation could be charged, along with appropriate sideboard.

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**Question 4: What roles do you believe public land and private land/private investment should have in the future of mitigation, and are these roles different?**

**Response:** I want to ensure that the Department's actions regarding on or off site mitigation requirements are well grounded in the law, if confirmed I will review the Department's statutes and regulations and discuss the matter with Secretary Zinke before offering an opinion.

**Question 5: While the Forest Service is housed in the Department of Agriculture, cohesive and coordinated management between the Forest Service and the Department of Interior is critical in addressing the risk of catastrophic wildfire. How would you work with Secretary Perdue, and staff at the Department of Agriculture to improve forest and fire management on multi-agency fires?**

**Response:** I agree that maximizing coordination between the Department of the Interior and the Department of Agriculture on multi-agency fires is an important approach, and if confirmed I will support pursuing ways of improving cohesive and coordinated fire management between the agencies.

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**Questions from Senator Ron Wyden**

**Question 1:** On Secure Rural Schools, I expect you to be engaged and helpful in getting a long-term solution on this important issue. As you know, I coauthored the original Secure Rural Schools bill because counties were struggling, and it is just as important today as it was then. Faced with continued budget shortfalls, rural counties are forced to make difficult cuts to libraries, schools, and infrastructure projects, and do more with less. I understand that many of my colleagues will need to see forest management reforms as part of any long-term SRS solution. I want to be clear that I take a back seat to no one when it comes to tackling tough forestry issues, including increasing timber harvest, which is what my O&C bill did. But it must be done in a sustainable way that does not stomp on our bedrock environmental laws. Tying the well-being of rural economies to unsustainable logging levels is a dead-end, leading the counties to exactly the same gridlock they are facing now while depleting our nation's forests.

**Mr. Bernhardt, short-term reauthorizations of SRS are simply not adequate for rural counties working to manage budgets each year. Will you commit to working with Congress towards a long-term solution for SRS?**

**Response:** Yes, I will commit to working with you and other Members of Congress on the issue.

**Question 2:** I have long said that land management decisions are best made through a deliberative process that includes broad stakeholder engagement and thorough consideration of local concerns. Recently there have been reports that the Department has suddenly postponed meetings of Resource Advisory Councils (RACs) until September. RACs are a great example of bottom-up land management, and should serve as a model for stakeholder engagement.

**As Deputy Secretary, what steps will you take to ensure local voices, including RACs, have opportunities to provide input and take part in the process at all times, not just when those local voices align with the goals of the administration?**

**Response:** Like you, I believe collaboration and listening to varied views are important. I would need to learn more about the specific issues here to have specific steps to recommend.

**Question 3:** I was very disappointed to see the President's Executive Order calling for a review of national monument designations and to learn that Secretary Zinke will be reviewing the Cascade-Siskiyou National Monument's recent expansion. The original monument designation in 2000 and its expansion both received significant and broad local support, and the public was given the opportunity in both designations to be a part of the process.

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**As Deputy Secretary, what will be your role in reviewing and evaluating monuments?**

**Response:** If confirmed, I do not know if I will have any role in this process.

**Will your review of monument designations ensure the overwhelming public support for monuments like Cascade-Siskiyou are respected, even if that public support is in opposition to the Administration's goals?**

**Response:** I believe that where a monument has the support of its local community, state, and congressional delegation, the Administration would be wise to listen to such consensus.

**Question 4:** Mr. Bernhardt, the Department of the Interior's Land Buy-Back Program for Tribal Nations implements the land consolidation component of the *Cobell* Settlement, a component that provided \$1.9 billion for tribes to consolidate tribal homelands. This program is vital for the economic development of Tribal communities across the United States, works to promote self-sufficiency, and is a necessary step in repairing years of injustice committed against Tribes in Oregon and throughout the United States.

**The Administration recently sent a letter to tribal leaders on May 9 of this year, in which the Administration expressed its intent to undertake a "brief strategy review period" regarding this important program. Please walk me through how you intend to implement the Buy-Back Program.**

**Response:** I am not aware of the letter, and I have limited knowledge of this program. If confirmed, I would be happy to learn more about the issue and meet with you.

**Should the Department of Interior propose changes to the Buy-Back Program, how will Interior ensure Tribes are provided opportunities for meaningful input?**

**Response:** As I indicated in the previous response, I am not aware of the letter, and I have limited knowledge of this program. If confirmed, I would be happy to learn more about the issue and meet with you.

**What do you believe are appropriate steps the Department of the Interior should take to address the issue of fractionalization once the Buy-Back program exhausts the fund?**

**Response:** I have limited knowledge of this program. If confirmed, I would be happy to learn more about the issue and meet with you.

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**Question 5:** Recreational, commercial, and tribal fishing groups in Oregon are very concerned about how water allocation will affect salmon and steelhead runs, especially in the Klamath river basin. In fact, due to extremely low numbers of Chinook salmon returning to the Klamath drainage, the Pacific Fisheries Management Council closed entire salmon fishery south of Humbug Mountain to Eureka, CA for the entire 2017 season.

**Citing your previous work for the Westlands Water District and the risk that excess pumping of water during drought years poses to both endangered species as well as fishermen reliant on adequate river flows, how will you balance the needs of agribusinesses with those of the fishing community and the environment?**

**Response:** First, I will follow my recusals. That said, I will enter questions with an open mind. More important, if appropriate, I would be interested in meeting with your constituents, who are concerned, to learn more about their perspective, their concerns, and the impact these closures have on them, and their suggested solutions.

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**Questions from Senator Bernard Sanders**

**Climate change**

**Question 1: President Trump has suggested in the past that climate change is a hoax. Is the President correct? Is climate change a hoax?**

**Response:** As I indicated at the hearing, I believe that man is an influence on climate change.

**Question 2: Do you agree with the vast majority of scientists that climate change is real, it is caused by human activity, and that we must aggressively transition away from fossil fuels toward energy efficiency and sustainable energy like wind, solar, and geothermal?**

**Response:** As I indicated at my hearing, I believe that man is an influence on climate change. I agree we need to produce renewable energy.

**Question 3: Do you agree with the vast majority of scientists that the combustion of fossil fuels contributes to climate change?**

**Response:** Yes.

**Question 4: Do you believe that the Department of the Interior has a role in reducing the extraction and use of fossil fuels?**

**Response:** I am not aware that Congress has ever provided that direction to the Department of the Interior.

**Question 5: If confirmed, how will you work to address climate change?**

**Response:** I will work to understand it better and pursue adaptive management strategies, as appropriate.



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**Congressional Relations**

**Question 6: While you were the Director of Congressional Relations for the Department of the Interior under President George W. Bush, you took the position that you did not need to be responsive to Democratic Congressional Members and Staff. Do you commit that, if confirmed, you will respond to all relevant inquiries from all Members of Congress, regardless of party or position?**

**Response:** I do not believe your depiction is accurate. The Department itself needs to carefully weigh every request from Congress and insure it is meeting the needs of Congress to ensure harmonious relationships with you and this committee. As I stated in my 2006, my personal view is that the Department of the Interior needs to provide full disclosure to Members of Congress, subject to the Department of Justice's guidelines. In 1998, the Chief of Staff for the Secretary of the Interior promulgated guidance for the Department and stated in that guidance that was to treat requests from individual members under FOIA. Since that time, I have reviewed the Department of Justice's guidelines and I think that the Department's 1998 guidance missed a number of caveats that were contained within the Department of Justice guidelines.

**Question 7: If confirmed, do you commit to assuring staff in the Office of the Secretary, including the Office of Congressional and Legislative Affairs, will respond to all relevant inquiries from all Members of Congress, regardless of party or position?**

**Response:** I expect the Office of Congressional and Legislative Affairs to make its best efforts to do so.

**Conservation Cooperatives**

**Question 8: In Vermont, the North Atlantic Landscape Conservation Cooperative and University of Vermont's Cooperative Fish and Wildlife Research Unit provide critical scientific information used by natural resource managers, communities, and citizens. Do you support these types of programs, and if so, how will you ensure they are strengthened at the Department of Interior?**

**Response:** As I indicated at the hearing, the Department and its bureaus should base decisions on available science. Regarding the specific programs that you mention, I would need to learn more about them to provide a meaningful response to this question.

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**Energy Policy**

**Question 9: What are the policy implications of the President's America First Energy Plan for the Department of Interior? How will you implement the plan?**

**Response:** Greater energy independence. If confirmed, I look forward to helping the Secretary implement the President's vision, and to engaging in policy discussions and implementation efforts.

**Endangered Species Act**

**Question 10: In the past, including during your testimony to the House Natural Resources Committee on April 19, 2016, you advocated for weakening protections for critical habitat of endangered species. If confirmed, will you continue your earlier efforts to roll back critical-habitat protections for imperiled species?**

**Response:** I did not advocate weakening protections for critical habitat of endangered species. Instead, my testimony advocated following the law. If confirmed, my focus in recommending decisions pertaining to critical habitat and ESA implementation will be on minimizing conflict and controversy associated with the Act in a manner that is consistent with the law.

**Question 11: As Solicitor at the Department of the Interior, you authored a controversial opinion, "The Meaning of 'In Danger of Extinction Throughout All or a Significant Portion of its Range,'" that was widely criticized by scientists for its failure to grasp the biological realities of extinction and whose central premise was rejected by multiple courts. Do you stand by the assertions made in the opinion? If confirmed, will you continue in your earlier efforts to curtail conservation measures that seek to protect and recover endangered species throughout their geographic range?**

**Response:** My efforts to address the meaning of the phrase "*all or a significant portion of its range*" had nothing to do with any effort of curtailing conservation measures. Instead, it had everything to do with helping the U.S. Fish and Wildlife Service develop a policy that might withstand legal review. The laws in our country are written not by a council of scientists but by Congress, and sometimes the agencies struggle within them. I think it is possible I will need to continue my review of these issues because on March 28<sup>th</sup> of this year, a federal district court vacated and remanded the Obama Administration's "Final Policy on Interpretation of the Phrase 'Significant Portion of Its Range' in the Endangered Species Act's Definitions of 'Endangered Species' and 'Threatened Species,'" 79 Fed. Reg. 37,578 (July 1, 2014), as it considered the agency's decision related to the pygmy owl. In that case, the court explained that the Obama's administration's

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... interpretation set forth in the Final SPR Policy impermissibly clashes with the rule against surplusage and frustrates the purposes of the ESA. *Cf. Pac. Nw. Generating Coop*, 580 F.3d at 812. Accordingly, it is not a permissible administrative construction of the ESA's SPR language. The Final SPR Policy is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law," in violation of the APA. 5 U.S.C. § 706(2)(A).

It is my view that my opinion's central premise was that in this phrase "*all or a significant portion of its range*" the word "significant" could not have the same meaning as the word "all", which should be obvious.

**Question 12: In regard to the implementation of the Endangered Species Act, do you support designating critical habitat for species, and do you believe these decisions should be based on the best scientific data available?**

**Response:** I support faithfully executing the laws that have been enacted and, if confirmed, this will include actions under the Endangered Species Act. As I indicated at the hearing, decisions should be based on sound science, however, the inclusion of section 4(b)2 of the act also specifically provides the Secretary the authority to exclude certain areas from designation under certain conditions.

**Question 13: Do you support Fish and Wildlife Service guidelines to ensure that science is the driving force behind Endangered Species Act implementation?**

**Response:** As I indicated at the hearing, decisions should be based on sound science and fall within the rubric of applicable law. I am not certain what specific guidelines your question refers to.

**Question 14: Do you support relying on independent scientists with relevant expertise to evaluate and review the data that the Fish and Wildlife Service uses when making decisions related to the implementation of the Endangered Species Act?**

**Response:** As I stated at my hearing, my view is that policy decisions should be predicated on the evaluation of science and application of the law. This view applies to my approach to ESA implementation. I believe when scientific data is evaluated on its merits and used as an information base to make policy decisions that are honest to the science, conflicts will likely be reduced and those decisions will be reliable and legally sound.

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**Question 15: Are you confident that the current process for selecting contractors and independent scientists to conduct scientific peer reviews related to the implementation of the Endangered Species Act sufficiently guards against political bias, and/or the appearance of political bias? Why or why not?**

**Response:** I am not sufficiently familiar with the current process for selecting peer reviewers and would need to learn more about the program to provide a meaningful response to your question.

**Question 16: Based on your interpretation of the Endangered Species Act and Department of the Interior policies, what are the requirements for consultation with federally recognized Native American tribes in making rulings under the Act?**

**Response:** If confirmed, I would need to evaluate the Department's current policies on consultation prior to offering my interpretation. That said, as I have stated previously I believe in consultation and need to balance consultation within the confines of the Act.

**Question 17: How could the Department of the Interior's consultation with Native American tribes concerning Endangered Species Act enforcement be improved?**

**Response:** As I am not at the Department nor up to speed on existing consultation policies, I would need to review those materials, if confirmed.

**Fisheries**

**Question 18: Many fish populations in both marine and freshwater environments are threatened. What actions would you take to address these issues?**

**Response:** As a fisherman and former member of the Board of Game and Inland Fisheries for the Commonwealth of Virginia, I am sensitive ecological and economic value of our nation's fish populations. Much of my career has focused on finding durable solutions to the many challenges associated with threatened and endangered species recovery through the lens of the ESA both from public and private sector perspectives. Should I be confirmed, I would apply this experience and the knowledge gained through it to making recommendations that comport with the law and advance Secretary Zinke's conservation agenda.

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**Question 19: What additional actions should Department of the Interior take to prevent invasive Asian carp from invading the Great Lakes and potentially destroying the ecosystem?**

**Response:** I recognize the risk to the Great Lakes associated with the introduction of Asian carp and, if confirmed, I look forward to evaluating ongoing activities at the Department to prevent, detect and control Asian carp in order to protect the Great Lakes.

**Question 20: Will you support full funding of fisheries management activities that result in many hundreds of millions of dollars flowing through the recreational sector of the United States economy?**

**Response:** As a fisherman and former member of the Board of Game and Inland Fisheries for the Commonwealth of Virginia, I am keenly aware of the ecological and economic value of effective and informed fishery management as well as its importance for subsistence to Alaska communities. I know the U.S. Fish and Wildlife Service, working with state and local governments and other partners, maintains a network of fisheries that spans the country. Should I be confirmed, I commit to working with Secretary Zinke, the Administration, and the Congress to facilitate appropriate funding for fisheries consistent with the President's budget and priorities.

**Question 21: What are your specific priorities for the management of the Great Lakes and Lake Champlain fisheries?**

**Response:** My view is that effective resource management decisions hinge on sound science applied within the contours of the law. Within this framework, my priorities will be to advance Secretary Zinke's conservation agenda in a manner that is rooted in and supported by input from a wide array of stakeholders, particularly those state and local communities most directly affected by the decisions the Department makes.

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**Fossil Fuels**

**Question 22: According to recent studies, the quantity of federal fossil fuels already under lease exceeds the amount that can be burned and still meet our commitments to reduce domestic greenhouse gas emissions, keeping average global temperature below 2 degrees Celsius. The Department of the Interior is responsible for managing fossil fuel development on public lands and waters. Would you take action to ensure federal fossil fuel leasing decisions are consistent with our national and international climate commitments? Do you support a moratorium on fossil fuels extraction on federally-owned public lands and waters?**

**Response:** I am a believer in an all-of-the-above energy strategy and, if confirmed as Deputy Secretary, I would support the Secretary's efforts to foster responsible development of wind, solar, hydro, coal, oil, and natural gas on federal and tribal lands.

**Question 23: President Trump campaigned on the promise of bringing the coal industry back and restoring thousands of coal jobs. Many economic and policy analysts agree that the decline in coal production has more to do with the increase in natural gas production than environmental regulations. What is your assessment?**

**Response:** The Energy Information Administration has projected that coal will remain an important part of the American fuel mix for decades.

**Question 24: What role do you think the Department of the Interior can play in transitioning our country away from fossil fuels?**

**Response:** The role of the Department of the Interior is to make energy resources on federal lands available for development, as appropriate; it is not to select winners and losers among energy sources.

**Question 25: Will you encourage wind and solar generation on lands managed by the Department of the Interior?**

**Response:** I support an all-of-the-above energy approach, which includes wind and solar.

**Question 26: Do you agree that there are places that are too unique, either for historical, cultural, environmental, wildlife, or similar reasons, to open up to fossil fuel development?**

**Response:** Yes, along with other important factors, the characteristics your question references are among those it is appropriate to consider when making decisions about where and how development takes place.

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**Question 27:** President Obama withdrew significant portions of the Arctic and Atlantic Oceans from oil and gas development. The reasons he cited for this action include the irreplaceable value of these waters for Indigenous, Alaska Native, and local communities' subsistence activities, economies, and cultures; protection of wildlife and wildlife habitat; promotion of scientific research; and the vulnerability of these ecosystems to an oil spill, which would present significant logistical, operational, safety and scientific challenges for extraction and spill response. In addition, President Obama noted that by the time oil production could begin in these areas, our nation needed to be well on our way to transitioning to clean, renewable energy sources.

In President Trump's Executive Order of April 28, 2017 on Offshore Energy Strategy for the Five Year Offshore Leasing Program, President Trump modified President Obama's withdrawal, and opened these areas for leasing consideration. This Executive Order directs the Department of the Interior to review the Five Year Offshore Leasing Program. **Notwithstanding DOI's statutory requirement to analyze all available leasing areas, if confirmed, will you commit to the highest environmental protections for the Atlantic Region, Pacific Region, and Alaska Region, including the Beaufort, Chukchi, and North Aleutian Basin Planning Areas commensurate with those provided by the Obama Administration?**

**Response:** Because I am not at the Department, I am unaware of the details regarding the ongoing review of the Five Year Offshore Leasing Program.

**Question 28:** The Gulf of Mexico and Gulf Coast communities are on the front lines of climate disruption and fossil fuel extraction. Many communities, primarily low-income and communities of color, suffer daily from environmental injustices related to the fossil fuel industry. **If confirmed, would you support action to extend or make permanent the drilling moratorium in the Eastern Gulf of Mexico? If confirmed, will you commit to further action to phase out fossil fuel development and promote a just transition to a clean, renewable energy-based economy along the Gulf Coast?**

**Response:** I am committed to the president's energy plan.

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**National Heritage Areas**

**Question 29: Congressionally designated National Heritage Areas (NHAs) are special places where natural, cultural, historic, and recreational resources combine to form a distinctive landscape arising from patterns of human activity shaped by geography. All NHAs tell nationally important stories through the physical features of the area and the traditions that have evolved within them. Each of the 49 NHAs in the United States is governed by separate authorizing legislation and operates under provisions unique to its resources and desired goals. As Deputy Secretary of the Interior, will you continue to support National Park Service's National Heritage Area program?**

**Response:** Yes. I understand that National Heritage Areas have provided many positive benefits to local communities.

**Question 30: All NHAs interpret and highlight nationally important stories. Heritage areas are representative of the national experience through both the physical features that remain and the traditions that have evolved within them. In recent years, funding to these heritage areas have been unequally distributed with older heritage areas receiving twice the amount of \$300,000 awarded to heritage areas created after 2006. If confirmed, will you support equal funding among all NHAs, so that decade-old heritage areas might start to meet their potential?**

**Response:** If confirmed, I commit to working with Secretary Zinke, the Administration and the Congress to ensure appropriate funding consistent with the President's budget and priorities.

**Question 31: If confirmed, will you defend the National Heritage Area program against unwarranted and harmful budget cuts?**

**Response:** Again, if confirmed, I commit to working with Secretary Zinke, the Administration and the Congress to advocate for appropriate funding consistent with the President's budget and priorities.



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**National Monuments**

**Question 32: The 1906 Antiquities Act allows the president to proclaim “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States” to be national monuments. At his nomination hearing, Secretary Zinke said of rescinding a national monument, “legally, it’s untested.” Do you believe that the President has the legal authority to overturn an existing national monument designation?**

**Response:** As I noted during the hearing, the exercise of the President’s authority under the Antiquities Act is a matter that will be evaluated by the White House Counsel. As I also noted, I am familiar with conflicting legal opinions interpreting the President’s authority under the Antiquities Act but, again, this is a matter for the White House to decide.

**Question 33: Earlier this month, the Department of the Interior revealed its list of National Monument designations that it would review under Executive Order 13792 to determine whether each designation or expansion conforms to the policy set forth in 82 FR 20429, Section 1. This section states that designations should “appropriately balance the protection of landmarks, structures, and objects against the appropriate use of Federal lands and the effects on surrounding lands and communities.” How will you instruct the Department to balance these considerations in conducting the designation reviews?**

**Response:** If confirmed, I do not know what role, if any, I will have in the monument designation review that is currently underway at the Department.

**National Parks**

**Question 34: Do you believe we should privatize the National Parks Service?**

**Response:** No. I believe that our parks are our national treasures and should serve and inspire all Americans.

**Question 35: How would you describe the economic and environmental value of the National Parks?**

**Response:** National parks provide many tangible economic benefits to our economy and to local communities, benefits that I observed growing up in a small town in Colorado.

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**Question 36: If confirmed, how will you initiate policy reforms to make the National Parks more accessible and relevant to communities of color, low-income families and people with disabilities?**

**Response:** If confirmed, I will work with the Secretary and Congress to ensure that our parks serve and inspire all Americans.

**National Wildlife Refuges**

**Question 37: How will you ensure that our National Wildlife Refuges are adequately maintained for the benefit of current and future generations of Americans?**

**Response:** As a sportsman, I understand and appreciate the importance of fish and wildlife conservation. I have applied this stewardship ethic throughout my career, from my time at Interior to my service on Virginia's Board of Game and Inland Fisheries. Should I be confirmed, I will continue my commitment to working with a wide array of stakeholders and partners, in particular states and local communities, to find solutions to conflicts; to advance Secretary's Zinke's agenda for conservation stewardship; to improve game and habitat management; and to increase outdoor recreational opportunities for this and future generations.

**National Scenic and Historic Trails**

**Question 38: Will you commit to protecting National Scenic and Historic Trails lands from fossil fuels and mineral extraction?**

**Response:** I will commit to looking into the issue. I am in agreement with Secretary Zinke that development can and should be conducted in accordance with the principles of multiple use. If confirmed, I will work with the Secretary to find a balance for all uses, including hunting, fishing, hiking, and other forms of recreation, which play an important role on public lands.

**Question 39: Will you commit to preventing fossil fuel pipelines from crossing National Scenic and Historic Trail systems?**

**Response:** I am in agreement with Secretary Zinke that development can and should be conducted in accordance with the principles of multiple use. If confirmed, I will work with the Secretary to find a balance for all uses, including hunting, fishing, hiking, and other forms of recreation, which play an important role on public lands.

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**Question 40: National Scenic and Historic Trails drive local recreation economies. What is your plan for ensuring that National Park Service funding is sufficient to maintain critical trail infrastructure such as trails, shelters, and bridges?**

**Response:** If confirmed, I commit to working with the Secretary, the President, and Members of Congress to address the many infrastructure needs of our communities.

**Public Lands**

**Question 41: Under what conditions do you believe it is appropriate to transfer federal lands to private ownership?**

**Response:** I share Secretary Zinke's opposition to the sale or wide scale transfer of federal lands. As the Secretary offered in his written responses to this Committee, "...there are some situations in which commitments have previously been made, inholdings need to be swapped or exchanged, or land banks are well situated to address the needs of growing urban areas, where limited transfer is appropriate." I would need to review such proposals before making any decisions.

**Question 42: Under what conditions do you believe it is appropriate to transfer federal lands to state ownership?**

**Response:** As I stated above, I support Secretary Zinke's commitment to federal lands.

**Question 43: You have a long career advocating and/or lobbying for big oil, gas, coal and mining corporations that operate on public lands. How can you be effective in protecting federal public lands when you will have to recuse yourself from so many of these issues?**

**Response:** I can be effective protecting public lands. For example, I resolved contentious claims on the Black Canyon of the Gunnison, protecting the National Park's assets. I believe that public trust is a public responsibility, and believe maintaining an ethical culture is important. I will fully comply with the ethics agreement I signed. Moreover, it is not my experience that the primary focus of the chief operating officer of the Department of the Interior is directed at particular matters involving specific parties, but rather larger policy and organization issues. In addition, for the duration of my service, I intend to actively seek and consult with the Department's Designated Agency Ethics Official regarding particular matters involving specific parties of former clients or entities represented by my former firm. Finally, I will install a robust screening process, should one not exist within the office.

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**Question 44: If confirmed, how will you address issues of inequality in access to public lands?**

**Response:** Secretary Zinke and I both believe public lands should be available for the enjoyment of all. If confirmed, I look forward to working with the Secretary to increase recreational access to public lands.

**Question 45: How would you describe the economic and environmental value of public lands?**

**Response:** Having grown up in a small town in Colorado, I understand firsthand the economic impact our public lands have on local communities across the country. From energy development to recreational access, these lands offer invaluable resources to locals and tourists alike.

**Question 46: According to the Outdoor Industry Association, the outdoor recreation economy generates \$887 billion in economic activity and 7.6 million American jobs. The association claims that it is a stronger economic sector than oil and gas, motor vehicles and accessories, and pharmaceuticals. Do you concur with this economic assessment? Does the economic significance of outdoor recreation affect your support for maintaining public lands for recreation purposes in contrast to other uses?**

**Response:** I grew up in Colorado, where some communities benefitted significantly from an outdoor recreation economy. Access to federal lands creates jobs and bolsters local economies, so I believe there is great merit in supporting these opportunities for quality access.

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**Land and Water Conservation Fund**

**Question 47: Created by Congress in 1965, the Land and Water Conservation Fund (LWCF) was a bipartisan commitment to safeguard natural areas, water resources and our cultural heritage, and to provide recreation opportunities to all Americans. National parks like Rocky Mountain, the Grand Canyon, and the Great Smoky Mountains, as well as National Wildlife Refuges, national forests, rivers and lakes, community parks, trails, and ball fields in every one of our 50 states were set aside for Americans to enjoy thanks to federal funds from the Land and Water Conservation Fund (LWCF). The LWCF is critical to the protection and preservation of the many landscapes that drive the \$887 billion outdoor recreation economy.**

**Question 48: The Administration's "skinny" budget included a direct attack on federal land conservation, proposing to drastically slash funding for this bipartisan priority. The temporary extension of the LWCF expires September 30, 2018. If confirmed, will you support the LWCF, and continuing to expand public access to parks, forests and trails?**

**Response:** Since 1965, the LWCF has been a successful program that has benefitted both Vermont and my home state of Colorado. It has my support and the support of Secretary Zinke. Should I be confirmed, I look forward to working with you and your colleagues to reauthorize the program.

**Question 49: The LWCF makes incredibly important investments in my state, protecting federal units like the Appalachian Trail and the Conte National Fish and Wildlife Refuge and working in public-private partnership through the Forest Legacy Program to preserve working forests and keep jobs in the woods. If confirmed, will you commit to supporting permanent reauthorization and full, dedicated funding of this program, as Secretary Zinke did in his confirmation hearing?**

**Response:** I share Secretary Zinke's support for the LWCF and look forward to working with you and your colleagues to reauthorize the program.

**Question 50: Natural and recreational infrastructure is critical to clean water, healthy families, safe neighborhoods and continued growth and jobs in our extremely productive outdoor recreation economy. Our National Parks and public lands are in need of continued investment in conservation as well as maintenance. Do you agree that the LWCF represents an infrastructure investment necessity that drives economic production, growth, and employment in America every bit as much as do road and bridge construction, water resource development, and other public works projects?**

**Response:** Our public lands and national parks hold some of our nation's greatest treasures. As I said at my hearing, I grew up surrounded by public lands and know the many benefits

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they have to offer. The outdoor industry is an integral part of our economy. Should I be confirmed, I will continue to support programs like LWCF that incentivize and preserve necessary investments in outdoor and recreational opportunities.

**Question 51: Should you be confirmed, will you commit to an annual budget that allocates all of the annual \$900 million from the LWCF account to the programs identified by Congress each year in the appropriations bill?**

**Response:** The LWCF has my support and should I be confirmed I look forward to working with you and your colleagues to protect and bolster this important program. As a native Coloradan and outdoorsman, I have seen the good work LWCF does for local communities, sportsmen, recreationists, and conservation as a whole. As the budget process moves forward, I look forward to working with President Trump, Secretary Zinke and Congress to support LWCF's critical work.

**Science**

**Question 52: While you were with the Department of the Interior, there were allegations that you manipulated scientific data for political outcomes. In order to protect scientific integrity, the Department of the Interior created a Scientific Integrity Policy, which all career, political, and contract employees must adhere. There are now designated Scientific Integrity officers, who are career employees in each bureau to review and adjudicate any discrepancies. Do you commit to maintaining this policy?**

**Response:** As I indicated at my hearing, I did not manipulate scientific data. I am not yet familiar with this policy, but I agree that scientific integrity should underpin agency actions.

**Question 53: Do you commit to respecting all decisions that come from these Scientific Integrity Officers?**

**Response:** I will support decisions, but I will not support arbitrary or capricious decisions, so I cannot say yes to all decisions.

**Question 54: Do you commit to personally signing the Scientific Integrity Policy, and sharing with this committee a copy of that document?**

**Response:** As I indicated in response to a previous question, I am not yet familiar with this policy, but I agree that scientific integrity should underpin agency actions.

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**Tribal Issues**

**Question 55: Indian Affairs is the oldest bureau of the Department of the Interior. Throughout history and even today, the United States government has treated the Native American people with disrespect, abrogating treaty obligations and its trust responsibility. As a result, there are Native American communities living in unbelievable poverty with high unemployment rates and unspeakably high youth suicide rates. Do you agree with these assertions? If so, what do you propose to do at the Department to improve life for the Native American people throughout this country?**

**Response:** Secretary Zinke and I both believe the Department of the Interior has an important trust responsibility in Indian Country. If confirmed, I look forward to working with him to promote tribal sovereignty and self-determination.

**Question 56: The federal government's moral and legal obligations to tribes in light of the trust responsibility carry immense moral and legal force. This trust relationship serves as an underlying basis for tribal consultation, the process by which the government engages in a meaningful, good-faith dialogue with all tribes. The Department of the Interior, by virtue of its role in Native American affairs, plays a prominent part in how the government engages in tribal consultation.**

**In the wake of the Dakota Access Pipeline, three federal agencies, including the Department of the Interior, published a report in January 2017 entitled, "Improving Tribal Consultation and Tribal Involvement in Federal Infrastructure Decisions." The subject of months-long consultation across Indian country, this report sets forth a number of recommendations to improve the process for permitting and infrastructure development. What steps do you intend to take to incorporate this report into the agency's decision-making process?**

**Response:** I am not familiar with the January 2017 report and therefore cannot comment on its proposals. I do share Secretary Zinke's commitment to building and maintaining mutual trust among tribes to build consensus on infrastructure or permitting issues.

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**Question 57: As the Department of Energy laid out during a recent Tribal Energy summit, the potential for renewable energy in Indian Country is enormous. While reservations account for 2% of the nation's land mass, they hold 5% of the nation's potential renewable energy resources. The Department of Energy also estimates that wind power from tribal lands could satisfy 32% of the total U.S. electricity demand. And solar production from Indian lands could generate enough energy to power the country two times over. Nevertheless, the Department of the Interior is turning its attention to conventional fossil fuels for development, this despite the upward trajectory of renewables. What role do you think renewable energy should play in energy development in Indian Country?**

**Response:** Similar to the President and Secretary Zinke, I support an all-of-the-above energy approach, which includes renewable energy. There are tribes that choose not to develop energy resources, and I agree with the Secretary that we must respect that position, which is a true reflection of tribal sovereignty.

**USGS and Water**

**Question 58: If confirmed, how will you support critical water information services including the United States Geological Survey (USGS) water-gauging infrastructure?**

**Response:** Yes.

**Question 59: Please describe your approach to ensuring that USGS matching funds used to complement state- and locally-sponsored water measurement gauges and associated information technology are not diverted to other Agency activities.**

**Response:** Generally, collaboration among our local and State partners benefits Interior. I am not currently at the Department and cannot offer further insight until briefed, if confirmed.

**Wild horse management**

**Question 60: Do you have plans to change or modify the Bureau of Land Management's wild horse management plan? If so, what changes would you recommend?**

**Response:** I intend to work with Congress on finding a solution to this problem.



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**Questions from Senator Al Franken**

**Question 1: I understand that under the new Administration the Department of Interior is undertaking a brief review of Cobell buy-back program strategies. It is also my understanding that the Department has made commitments to a number of tribes, including the Leech Lake Band of Ojibwe and other tribes in Minnesota, that they will be included in the next round of implementation. Should you be confirmed, would you be in a position to ensure a quick review of implementation strategies and ensure that the commitments made to tribes on this matter be maintained?**

**Response:** Because I am not at the Department, I do not know if I will have any role in this process.

**Question 2: Restoring tribal homelands rebuilds tribal land bases and strengthens the relationship between tribes and the federal government. It also makes administering justice and engaging in economic development easier by reducing checkboard landholdings. During your time at the Department of the Interior, many tribes were of the opinion that the Department had imposed what was essentially a moratorium on land into trust acquisitions.**

- a. Can I get a commitment from you that your Interior Department will not put in place a land into trust moratorium?**
- b. If you cannot make the commitment requested in part (a), would you at least commit to a transparent process that prioritizes meaningful consultation with tribes and tribal organizations—on an open and fair basis—so their voices can be heard on any proposed changes to Interior’s land into trust procedures?**
- c. Can you please share your views on the importance the Administration will place on the land to trust process?**
- d. In 2008, the Department of the Interior, through then-Assistant Secretary Carl Artman, finalized guidance for restricting land to be taken into trust related to gaming. Yet the Department did not consult with tribes in drafting this guidance. Can I get a commitment from you that the Interior Department will consult with tribes on a government-to-government basis when developing any additional guidance or regulations as it pertains to land into trust acquisitions?**

**Response:** As I indicated in the hearing, I take consultation seriously and commit to consult with tribes on a government-to-government basis. I am not at the Department and therefore am unaware of the Administration’s current work on the land into trust process. If confirmed, I will need to be briefed on the state of land into trust procedures, and after that I would be happy to visit with you or your staff.

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**Question 3: If you are confirmed as Deputy Secretary of the Interior, you will be responsible for overseeing the Bureau of Indian Affairs (BIA). With the multitude of problems in Indian Country today, from disturbingly high rates of youth suicide to a lack of sufficient economic opportunity and many others, we need a bipartisan commitment to address the living conditions on tribal lands. One of the most frustrating issues with the BIA has been the chronic underfunding of important programs and general lack of support from the federal government.**

- a. As Deputy Secretary of the Interior, would you advocate for strong funding for federal programs that support American Indians?**

**Response:** As we discussed in your office, I know this is an issue you care about and so do I. I am committed to working with you to find ways to address these chronic challenges in Indian country.

- b. Do you have a timeline for filling BIA positions?**

**Response:** No, I am not aware of a timeline.

- c. Will you expand on your ideas for improving living conditions in Indian Country?**

**Response:** See my response to question 3a, above.

**Question 4: As we discussed at the hearing, the federal government has moral and legal obligations to uphold its treaty and trust responsibilities to Native Americans and engage with tribes on a government-to-government basis. This government-to-government relationship is the basis for tribal consultation, the process by which the United States engages in a meaningful, good-faith dialogue with tribes. The Department of the Interior, by virtue of its role in Native American affairs, plays a prominent part in how the government engages in tribal consultation.**

- a. You stated that you would “unequivocally commit” to consult with tribes. Yet as a part of the Administration’s review of Bears Ears National Monument, Secretary Zinke spent a total of one-hour meeting with tribal leaders. What would you consider meaningful consultation?**
- b. If confirmed, will you uphold the federal trust responsibility and ensure that Interior provides tribes with adequate government-to-government consultation on Bears Ears National Monument and any other lands issue that may affect them?**

**Response to a. and b.:** I am not at the Department, so I am unaware of the Secretary’s ongoing consultations. As I said in the hearing, I appreciate the importance of tribal consultation, take consultation seriously, and commit to consult with tribes, if confirmed.

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**Question 5: At a recent tribal energy summit, Secretary Zinke made several statements that raised concerns to tribes including reexamining the Indian Reorganization Act and treating tribes like corporations. In a clarifying letter to the National Congress of American Indians, Acting Deputy Secretary James Cason stated that “at this time there are no plans to alter the Department’s current management of our trust responsibilities.”**

**Statements such as these have created uncertainty in Indian Country about this Administration’s view on the trust responsibility and whether there are plans to diminish the trust relationship among tribes and the federal government. Do you share the view that the trust relationship is up for reconsideration, and if so, in what areas would you seek changes to that relationship?**

**Response:** I am not aware of these statements.

**Question 6: Each agency head has been instructed to undertake a review of their agency to determine how to reorganize the departments. What will you do to ensure proper consultation is conducted with tribal governments prior to any decisions or actions regarding reorganization?**

**Response:** I appreciate the importance of tribal consultation, take consultation seriously, and commit to consult with tribes as appropriate, if confirmed

**Question 7: Economic development is vital for improving Indian Country, and one area of opportunity is the energy sector. For example, there is significant potential for clean energy development in Indian Country—like wind, solar, and biomass. I have been working to fund the Tribal Energy Loan Guarantee Program (TIELGP), which was included in the Energy Policy Act of 2005 but received its first funding in Fiscal Year 2017. This program would allow the DOE to guarantee up to 90 percent of the principal and interest of a loan issued to an Indian tribe for energy development. By leveraging federal resources, this program would encourage borrowers to partner with the private sector to develop energy projects. Will you commit to working with me to boost renewable energy generation on tribal lands, which would bring important funds and jobs to these communities?**

**Response:** If confirmed, I commit to learning more about this program and working with you and Secretary Zinke, as appropriate.

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**Question 8:** A recent National Institute of Justice report found that more than half of American Indian and Alaska Native women—and more than one in four men—have experienced sexual violence in their lifetime. And among those who have experienced sexual violence, almost all—96% of women and 89% of men—have been victimized by a non-Indian partner. That is a horrific statistic. And despite their prevalence, crimes of sexual violence committed by non-Indians in Indian Country often go unprosecuted and unpunished, leaving victims without justice and offenders on the loose. So last Congress, Senator Murkowski and I introduced the Justice for Native Survivors of Sexual Violence Act, which would recognize and reaffirm Indian tribes' inherent power to exercise criminal jurisdiction over non-Indians who commit crimes of sexual violence in Indian Country. This commonsense legislation will lay the groundwork for tribes to address sexual violence in their communities in a meaningful way, and I'm looking forward to reintroducing the bill soon.

**Mr. Bernhardt, I want to know from you how the Interior Department will work with tribes to strengthen their tribal justice systems and ensure that they have the resources they need to take on this critical work. I also understand that the Department of Justice has the primary responsibility for investigating and prosecuting crime in much of Indian country. When Senator Sessions came before the Judiciary Committee, I asked him about his views on these issues and was concerned by how much he has to learn about law enforcement in Indian Country. Can you assure me that you will coordinate and share information with the DOJ to ensure that there is a comprehensive understanding of how these crimes impact Indian Country?**

**Response:** I completely agree these are horrible statistics and the situation is appalling. I will do everything I can to facilitate the sharing and coordination of information with the Department of Justice to ensure a better understanding of the impacts of these crimes.

**Question 9:** You spent nearly eight years at the Department of the Interior during the Bush Administration, and during that time you played key roles in overseeing the Department's relationship with Congress and in monitoring the ethical culture at the Department. Given your senior role in the Bush Department of the Interior, you had a front row seat to the numerous scandals that plagued the Department.

**a. Can you describe your relationship with lobbyist Jack Abramoff? On what occasions did you meet him and what were the purposes of those meetings?**

**Response:** I have no relationship and do not believe I ever met him.

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**b. Can you describe your relationship with then-Deputy Secretary Steven Griles? At what point did you become aware of his involvement with illegal activities?**

**Response:** He was the Deputy Secretary of the Department of the Interior. I became aware of his illegal activities when he was indicted.

**c. Robert McCarthy was a DOI employee who became a whistleblower, exposing mismanagement of Indian Trust funds. Mr. McCarthy subsequently was forced to resign. Can you describe your role, if any, with regards to his resignation? How do you plan to deal with whistleblowers who reveal corruption at the agency if you are confirmed?**

**Response:** I believe that anyone who reveals corruption up their chain of command or to the Inspector General should be protected, consistent with applicable law and practice. However, in general I do not believe Mr. McCarthy's actions were proper. Lawyers and auditors who have an additional set of ethical duties should take inappropriate matters up their chain of command or to the Office of Inspector General before they go to media. I understand that in a settlement of a challenge to his dismissal, he was allowed to resign.

**d. When Senator Stabenow asked about the allegations that scientific information provided by USFWS scientists was altered in preparing Senate Testimony for Secretary Norton, you responded that you had not altered the science. Can you please elaborate?**

**Response:** Yes, to the extent any documentation was modified, it was not modified by me, and I do not believe I was aware of it until it had been disseminated.

**Question 10: While you were at the Department, the DOI Executive Resources Board, or ERB, recommended salary increases for top level employees. The ERB also gave out awards, called STAR awards, designed to recognize particularly outstanding accomplishments by DOI employees.**

**During the Bush Administration, the ERB distributed a substantial number of STAR awards to senior officials at the Department of the Interior, including several members of ERB itself. It appears that STAR awards, which were supposed to be used to reward exceptional work, were essentially used as a tool whereby DOI political appointees enriched themselves with taxpayer money. One particularly egregious example was a nearly \$10,000 award for Deputy Assistant Secretary Julie MacDonald in 2004. Routinely, these awards were given to political appointees without any written justification and without formal nomination.**

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**a. Were you on the ERB in 2004?**

**Response:** I am not sure of the dates, but I did serve on the ERB for certain years.

**b. Were you in any way involved in the awarding of the award to Ms. MacDonald? If so, what was your justification?**

**Response:** If I was on the ERB when she received a reward, I could have been part of that process, along with others on the ERB and her supervisors. I do not recall the justification, but I believe there would be a written justification associated with the award, if it occurred.

**c. You, yourself, received a \$7,000 STAR award in 2004. The guidance in place at the time capped awards at \$5,000. Did the size of your award surprise you?**

**Response:** I have no recollection of my reaction. Money has not been motivating factor for my experience with public service.

**Question 11: With a changing climate, we are seeing longer wildfire seasons and more extreme fires. At the same time, more and more people in the United States are living in and around forests, grasslands, shrublands, and other vegetated natural areas – places commonly referred to as the wildland-urban interface (WUI). Approximately 70,000 communities nationwide are considered to be at high risk from wildland fire, including some in Minnesota. Defense of private property – much of which is located in the WUI – accounts for a large percentage of fire suppression costs. How will you work with the United States Forest Service to mitigate the costs of these fires while ensuring the safety of vulnerable communities?**

**Response:** The issues surrounding the prevention of forest fires and funding for fire suppression efforts are important. If I am confirmed, I will evaluate the Department's current role in fire prevention and suppression and work closely with USDA, the Forest Service, states, and Congress to ensure that these programs are appropriately managed.

**Question 12: Do you believe that climate change impacts should be included in environmental reviews under the National Environmental Policy Act (NEPA)?**

**Response:** As I indicated at my hearing, I will consider the science on climate change and the applicable law in recommending policy decisions that are consistent with the Administration's agenda and the law, should I be confirmed.

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**Questions 13: Do you believe that climate change has a cost to society and that this social cost of carbon should be used in regulatory analyses?**

**Response:** As I indicated at my hearing, I will consider the science on climate change and the applicable law in recommending policy decisions that are consistent with the Administration's agenda, should I be confirmed.

**Question 14: If confirmed, what will do you do to promote renewable electricity generation—including wind and solar—on public lands?**

**Response:** I am a supporter of an all-of-the-above energy policy that includes the development of renewable energy projects and transmission projects on federal lands.

**Question 15:** The Land and Water Conservation Fund has been a critical tool over the past 50 years to secure America's natural and historical treasures. In my state, LWCF has helped protect national icons like the Boundary Waters Canoe Area Wilderness and Voyageurs National Park as well as local parks and playgrounds. The Fund is paid for by a small portion of receipts collected from offshore energy extraction. Indeed the Fund was conceived with the understanding that we would permanently protect our outdoor recreation heritage for all Americans to use, in exchange for the depletion of another non-renewable national asset.

The Fund is supposed to receive \$900 million each year, but typically it receives substantially less than that. When the Secretary testified before this committee in January, he stated his support for full funding of LWCF. However, the initial budget release from the administration in March suggests that LWCF will likely be severely cut once the full budget is released.

**Should you be confirmed, will you commit to an annual budget that allocates all of the annual \$900 million from the LWCF account to the programs identified by Congress each year in the appropriations bill?**

**Response:** I share Secretary Zinke's support for the LWCF and look forward to working with you and your colleagues on the program, if confirmed.

**Question 16: Under what circumstances would you support or oppose the transfer of public land to state governments? For example, if Congress passed a bill transferring large sections of public lands to the states, would you recommend that the President veto it?**

**Response:** I support the Secretary's views.

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**Question 17: Do you support allowing state and local governments to manage federal public lands? From a practical standpoint, how is this different from transferring federal lands to states?**

**Response:** I share the Secretary's view that federal lands need to be managed with particular consideration of the people in local communities whose lives and livelihoods depend on the land.

**Question 18: According to the Bureau of Land Management's statistics for Fiscal Year 2015, there are 32.1 million acres of public lands (approximately the size of Alabama) currently under lease for oil and gas activities. However, merely one-third of these acres are actually producing fuel. In fact, the United States has a record high 7,500 approved drilling permits that industry has yet to put to use.**

- a. In light of this overcapacity, do you believe it is necessary for United States to open up additional public land for oil and gas production? If so, why?**
- b. How do you balance this with the need to maintain public access to federal lands?**

**Response to a. and b.:** If confirmed as Deputy Secretary, I would support the Secretary's efforts to foster responsible development of coal, oil, gas, and renewable energy on federal and tribal lands.

**Question 19: The United States has been chronically underfunding our National Parks for years. As you know, the parks currently face a more than \$12 billion backlog in deferred maintenance, including \$47 million in Minnesota. I appreciate that you have committed to working with Congress to solve this unacceptable deferred maintenance backlog.**

- a. What do you feel would be the best way to approach this issue?**
- b. Will you advocate to include deferred maintenance in any infrastructure package the new administration is planning?**

**Response to a. and b.:** I know Secretary Zinke is committed to prioritize and find innovative ways to address the maintenance backlog and enhance our parks' infrastructure.



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**Question 20: Many of the communities in my home state of Minnesota cannot safely rely on the water currently supplied to their homes. These communities and my state have worked tirelessly, investing millions of dollars, in a tristate water system known as the Lewis & Clark Regional Water System. A successful state and federal partnership, Lewis & Clark is funded by local communities, states and expected annual funds from the federal government. Like two water projects in your home state of Montana, federal funding for Lewis & Clark is allocated through the Department of Interior's Bureau of Reclamation. Nearly completed, all communities and states involved have paid their share of the project and in numerous cases, prefunded the necessary dollars to complete this critical water project. However, the federal share of the project has fallen short year-after-year, putting the project far behind construction schedule causing an increase in cost to the project. Will you support prioritizing the Lewis & Clark Regional Water System through the water funds allocated by the Bureau of Reclamation?**

**Response:** While I am not familiar with the specific details of the funding concerns pertaining to the Lewis & Clark Regional Water System, I am familiar with Bureau of Reclamation's rural water projects. These projects benefit rural communities and are important to supporting the livelihood of local economies. If confirmed, I look forward to learning more about the particular details of this project.

**Question 21: Mr. Bernhardt, when we met, you told me that you will sign the ethics pledge required by the Trump Administration under Executive Order 13770. The ethics pledge requires that for two years, you will not, and I quote, "participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts." It also includes issues that you lobbied on.**

**a. Do you intend to sign the ethics pledge and recuse yourself for two years on relevant issues?**

**Response:** Yes.

**b. If so, will you share this document with the committee? And if not, why not?**

**Response:** I have assumed the document would be public since my ethic agreement is public.

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- c. How will we know that you are sticking with the two-year recusal? Will you, on a quarterly basis, for two years, provide the committee a list of the matters from which you are recused?**

**Response:** Because I have agreed to do it and I will work with the Department's Designated Agency Ethics Official on a regular basis to ensure I am implementing best practices. I will not provide a list, but I will commit to visiting with you as often as you would like.

- d. Executive Order 13770 allows the president to grant waivers exempting lobbyists from this ban. This is not uncommon, but what stands out is the order's elimination of the requirement that such waivers be publically disclosed once they occur. Will you commit to publically disclose the issuance of any waivers you may receive from this administration so that the American people have greater transparency into potential conflicts of interest? If not, why not?**

**Response:** I do not know under what circumstances I might seek a waiver because I do not anticipate doing so. However, should I seek a waiver from the Designated Agency Ethics Official, I will discuss whether such a request should be made public.

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**Questions from Senator Steve Daines**

**Question 1:** I understand you have done a lot of work dealing with the Endangered Species Act. And, I know you are familiar with the Ninth Circuit Court's misguided ruling in *U.S. Forest Service vs. Cottonwood Environmental Law Center*. The Obama administration argued that the ruling has the "potential to cripple" federal land management across Ninth Circuit states, and I have no doubt that Secretary Zinke shares this concern.

- a. Do you agree that the burdensome extra layer of consultation required in the *Cottonwood* decision could substantially slow forest management projects and is unnecessary to protecting at-risk species?**

**Response:** Yes.

- b. Now that the Supreme Court has declined to hear the *Cottonwood* case, Senator Jon Tester and I have introduced legislation to statutorily reverse the decision. Can I get your commitment to speedily work in a bipartisan manner to enact a legislative solution?**

**Response:** Yes, I will commit to working with you in a bipartisan manner.

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**Questions from Senator Joe Manchin III**

**Question 1:** The Land and Water Conservation Fund (LWCF) expired September 30, 2015. The fund was temporarily extended for 3 years in the Consolidated Appropriations Act, 2016, and will expire again September 30, 2018, if Congress fails to pass reauthorization. The 2017 omnibus funding bill funds LWCF at \$400 million - \$50 million less than the fiscal 2016 enacted level. West Virginia has received approximately \$233 million in LWCF funding over the past five decades, protecting places like the New River Gorge National River, and the Harpers Ferry National Historical Park, both of the National Park Service. West Virginia has 61,000 outdoor recreation jobs, and generates approximately \$272 million in annual state tax revenue. In 2016, several local governments in West Virginia received grants totaling \$418,473 from LWCF funds from the “state side.” Previously, funds from the “federal side” have been used to acquire lands at Canaan Valley National Wildlife Refuge. These are vital to the outdoor economy and heritage of West Virginia.

**If you are confirmed, will you commit to working with Congress to find a permanent reauthorization of LWCF?**

**Response:** I share Secretary Zinke’s support for the LWCF and look forward to working with you and your colleagues to reauthorize the program.

**Are you willing to accept reforms to LWCF?**

**Response:** As noted in the response to the previous question, I share Secretary Zinke’s support for the LWCF and look forward to working with you and your colleagues to reauthorize the program.

**If so, what reforms are you willing to accept and not accept?**

**Response:** Should I be confirmed, I would look forward to working with Secretary Zinke, you, and your colleagues to reauthorize the program, including identifying stable, diverse and long-term funding mechanisms to keep the fund viable for generations to come.

**Question 2: If confirmed, you have pledged to recuse yourself for two years from matters involving your former clients per the ethics pledge that President Trump put forth for his nominees to sign.**

**If confirmed, do you plan to serve longer than two years as Deputy Secretary?**

**Response:** If confirmed, I plan to serve at the pleasure of the President, and anticipate that could be through his term.

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**How will you ensure you are avoiding all conflicts of interest if you indeed work on matters involving your former clients after the two-year pledge expires?**

**Response:** If confirmed, I will follow my ethics agreement, and for the entire duration of my tenure I will consult, seek, and follow the guidance of the Department of the Interior's Designated Agency Ethics Official.

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**Questions from Senator Martin Heinrich**

**Question 1: I continue to hear about problems arising from the large number of long-standing job vacancies in BLM's field offices in New Mexico. Of particular concern are significant vacancies in Farmington, the Federal Indian Minerals Office and Carlsbad. I understand there are as many as 21 vacant positions in Carlsbad alone, as well as the position of the Field Office Manager. Clearly the administration's hiring freeze contributed to the delay in filling these important federal jobs. If you are confirmed, what actions will you take to address promptly the need to fill the large number of job vacancies in New Mexico's various BLM offices?**

**Response:** Although I am not aware of the status of current job vacancies within the Department's bureaus or efforts to fill those positions, Secretary Zinke has stressed one of his priorities is to get the right tools and resources out to the field, and I will look into this if confirmed.

**Question 2: President Trump in his signing statement enacting the FY2017 Omnibus Appropriations Bill implied that some programs and services for American Indians and tribes may not comply with the Due Process Clause of the Constitution. The signing statement reads:**

My Administration shall treat provisions that allocate benefits on the basis of race, ethnicity, and gender (e.g., Division B, under the heading "Minority Business Development"; Division C, sections 8016, 8021, 8038, and 8042; Division H, under the headings "Departmental Management Salaries and Expenses," "School Improvement Programs," and "Historically Black College and University Capital Financing Program Account"; Division K, under the heading "Native American Housing Block Grants"; and Division K, section 213) in a manner consistent with the requirement to afford equal protection of the laws under the Due Process Clause of the Constitution's Fifth Amendment.

**Do you believe that programs and services for Indian tribes and their members, as currently implemented, are constitutional?**

**Response:** As I indicated at the hearing, I am not familiar with this signing statement and I have assumed that many of these programs are constitutional.

**Question 3: During the hearing, in response to a question about conducting full tribal consultation before making any changes to the land-into-trust process, you first said that you would "participate in some form of engagement", and in response to a follow up question, said that any distinction between "engagement" and "consultation" is a "distinction without a difference". However, as you know, "tribal consultation" has a particular meaning in U.S. law, involving specific commitments, processes, and procedures, while "engagement" could mean as little as a form letter or a phone call.**

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**If the Department of the Interior considers changes to the land-into-trust process, will you commit to engaging in a tribal consultation process before finalizing any such decision?**

**Response:** As I stated to you at the hearing, I will support a full tribal consultation for any meaningful changes. However, because I am not at the Department, I cannot tell you what changes the Department of the Interior intends, if any, and I do not know what consultation process the Department currently intends to take.

**Question 4: Good information is vital for good decision-making, and the government must act as an honest broker. Do you believe that the office of the Secretary of the Interior has the prerogative to interpret for Congress and the public the data and assessments of scientists at the FWS and other Interior science agencies?**

**Response:** As I stated at my hearing, my view is that policy decisions should be predicated on the evaluation of science as it is and application of the law. I believe when scientific data is evaluated on its merits and used as a basis to make policy decisions that are honest to the science, conflicts will be reduced and those decisions will be reliable and legally sound. I believe when the Department picks and chooses between data, it is obligated to articulate a reason why it has done so, and it must be able to connect its conclusions to the facts it finds in a rational manner.

**Question 5: The Bureau of Indian Education (BIE) is implementing a reorganization plan developed with minimal tribal input. Will you commit, moving forward, to engaging tribes in meaningful consultation on any reorganization, and any BIE policy changes that affect tribes?**

**Response:** I am not familiar with the reorganization plan you reference and would need to learn more about it and the process to provide a meaningful response to your question.

**Question 6: The Department of Interior's regulatory and scientific agencies invest taxpayer dollars to produce a wealth of data about the nation's energy and natural resources. Will you commit to maintaining the integrity and public accessibility of datasets produced by Interior staff?**

**Response:** The integrity of scientific data and its application in decision making on behalf of the public are of paramount importance to me. Should I be confirmed, I commit to continuing this commitment and applying it to policy recommendations.

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**Questions from Senator Mazie Hirono**

**Question 1: Mr. Bernhardt, beginning in April 2001 you directed the Department of Interior's Office of Congressional and Legislative Affairs. In this position, were you responsible for drafting, editing, or reviewing testimony for then-Secretary Norton?**

**Response:** The generation of testimony for Congress generally involves a whole host of entities throughout the Department of the Interior, including individual bureaus, Solicitors office, senior advisors, Administration appointees, and the White House Office of Management and Budget. My office would have had engagement at each stage and ultimately transmitted the testimony to the Committee.

**Question 2: (Follow-up to Question 1) If so, please describe your contribution to the drafting, editing, and review of Ms. Norton's testimony responding to questions submitted by then-Chair Frank Murkowski on U.S. Fish and Wildlife Service findings relating to the impact of drilling on caribou in the Arctic National Wildlife Refuge?**

**Response:** As I stated in my previous response, the generation of testimony for Congress generally involves a whole host of entities throughout the Department of the Interior, including individual bureaus, Solicitors office, senior advisors, Administration appointees, and the White House Office of Management and Budget. My office had engagement at each stage and ultimately transmitted the testimony to the Committee.

**Question 3: (Follow-up to Question 1) At the time the testimony was drafted and reviewed at the Department of Interior, were you aware of the use of information contained in a report funded by BP Oil in Ms. Norton's testimony?**

**Response:** No, at the time I was just learning about ANWR and I was not then serving as the Secretary's primary policy counselor on the issue.

**Question 4: Do you believe the Fish and Wildlife Service provides valuable scientific expertise in shaping policy for the Department of Interior?**

**Response:** Yes.

**Question 5: To what extent will you consider scientific data in shaping policy if it fails to align with the President's political agenda?**

**Response:** As I stated at my hearing, my view is that policy decision should be predicated on the evaluation of science and application of the law. I believe when scientific data is evaluated on its merits and used as an information base to make policy decisions that are honest to the science and transparent regarding the policy choice, conflicts will be reduced



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and those decisions will be reliable and legally sound.

**Question 6: During the hearing in your response to Senator Franken regarding the use of climate change science in shaping policy you said that you would “take the science as it comes.” Please explain what that means.**

**Response:** Generally, we have to use the data we have available to make decisions in the context of the law and the discretion of the executive branch.

**Question 7: (Follow-up to Question 6) As you may be aware, there is a substantial body of research conducted over multiple decades in multiple countries as to the causes, impacts, and effects of climate change. Given the data-driven scientific consensus regarding the current and future impacts of climate change on our communities, national security, and economy what additional scientific evidence would you be looking for to develop policy as Deputy Secretary?**

**Response:** As I indicated in response to a similar question at my hearing, as a policymaker we must take the science as we find it, whatever it may be, and use it to make informed decisions, with the discretion we are given under the law.

**Question 8: During the hearing you highlighted the concerns raised by the President on the impact activities to mitigate climate change would have on jobs, assuming that you were referencing jobs within the fossil fuel extraction industry. However, as you may be aware, there is a substantial body of evidence that climate change will negatively impact our broader economy in the long-term. In addition, as Sen. Franken pointed out, renewable energy jobs are a substantial and growing sector of American jobs which are less likely to be outsourced. As Deputy Secretary you will be second in line to assume the responsibility of protecting and managing natural resources for the U.S. public interest. In deciding policy matters how much weight will you give to protecting fossil fuels jobs versus protecting our nation’s long-term economic and environmental health?**

**Response:** As I stated at my hearing, my view is that policy decisions should be predicated on the evaluation of science and application of the law. If confirmed, I will make decisions with an open mind, actively seeking input and listening to varied views and perspectives.

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**Question 9: Do your business clients at Brownstein Hyatt Farber Schreck LLP have business interests in matters currently pending or that will likely come before the Department of Interior within the next few years?**

**Response:** Yes, but to the extent they do, I will follow my ethics agreement.

**Question 10: During the hearing in your response to Senator Stabenow you stated that you are certain that scientists at Interior are not under attack. Under this administration there have been reports of instances where National Park Service employees have been prohibited from publicly communicating climate facts and reprimanded for posting pictures of attendance at the inauguration. If not an “attack” how would you classify these directives?**

**Response:** As I stated at my hearing, I do not believe that scientists at the Department are under attack. Although I am not at the Department, I understand that the directives you have identified, related to the National Park Service’s official twitter account, were already existing policies.

**Question 11: If confirmed as Deputy Secretary, will you encourage a culture of transparency at the Department of Interior?**

**Response:** Yes.

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**Question from Senator Angus S. King, Jr.**

**Question: Do you believe that prior record of service and performance should be a factor when considering how the National Park Service awards concession contracts?**

**Response: Yes.**

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**Questions from Senator Catherine Cortez Masto**

**Question 1: You appear to have several conflicts of interests from representing oil, gas, and water clients as a lobbyist working at the firm Brownstein, Hyatt Farber Schreck, LLP. You have stated that you will recuse yourself from matters involving your former clients for a year. Which particular matters involving your clients are currently pending before the Department?**

**Response:** I believe that public trust is a public responsibility and that maintaining an ethical culture is important. I will fully comply with the ethics agreement that I signed. In addition, for the duration of my service, I intend to actively seek and consult with the Department's Designated Agency Ethics Official regarding particular matters involving specific parties of former clients or entities represented by my former firm. Finally, I will install a robust screening process, should one not exist within the office.

That said, on May 4, 2017, the Committee on Energy and Natural Resources received correspondence from the General Counsel of the United States Office of Government Ethics, David J. Apol.

Mr. Apol's correspondence included an enclosure of the "ethics agreement outlining the actions that the nominee [David Bernhardt] will undertake to avoid conflicts of interest." Further, General Counsel Apol explained, "we [the Office of Government Ethics] believe that this nominee [David Bernhardt] is in compliance with the applicable laws and regulations governing conflicts of interest."

In addition, I have reviewed some of the prior ethics agreements provided to the Committee in the past. There is a striking degree of consistency between the ethics agreement provided by Mr. Apol and the prior agreements provided by other nominees to positions within the Department of the Interior who worked in large private law firms representing similar clients, and in some cases the same clients. Copies of two such ethics agreements are attached to this correspondence to give you a sense of the similarities.

Given General Counsel Apol's determination that the ethics agreement I signed complies with the Office of Government Ethics' regulations and the applicable laws governing conflicts of interest, as well as the obvious similarity between that ethics agreement and those the Committee previously found sufficiently clear to proceed with the nomination, I reaffirm that I will comply with the ethics agreement I signed.

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**Question 2: After the year, what will your approach be as issues involving these clients arise?**

**Response:** I will follow my ethics agreements in consultation with the Department's Designated Agency Ethics Official.

**Question 3: Under what circumstances would you seek a recusal? Or a waiver from a recusal? How transparent will that process be?**

**Response:** I do not anticipate seeking a waiver. However, should I do so, I will consult with the Department's Designated Agency Ethics Official on best practices.

**Question 4: As Deputy Secretary, you will oversee the Bureau of Land Management and the National Park Service. What are your thoughts on the Antiquities Act?**

**Response:** It was a significant grant of power to the President by the Congress.

**Question 5: What would your approach be with respect to the review of our monuments?**

**Response:** If confirmed, I do not know if I will have a role in the review process.

**Question 6: As a part of the review, would you consider widespread support from the state?**

**Response:** If I were part of such a review, yes.

**Question 7: Do you believe that monuments are important for outdoor recreation and rural economies to thrive?**

**Response:** In some instances, yes very important.

**Question 8: Resource Advisory Councils (RACs) are a crucial way for DOI to get diverse community input on public land management issues. RACs have helped inform decisions on issues related to recreation, land use planning, wildfire management, etc. I am concerned that these meetings are being postponed until September 2017 due to a full scale review. Do you believe community input is essential?**

**Response:** Yes.

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**Question 9: Will you continue to postpone these meetings?**

**Response:** I did not postpone the meetings.

**Question 10: In Nevada, the Gold Butte National Monument Public Information forum has also been postponed. The shutting down of public input is disconcerting. What would your approach be with respect to the ongoing review of monuments and the measures taken to exclude our resource advisory councils and communities?**

**Response:** As I am not at the Department, I am uncertain if I will play a role in either review process.

**Question 11: Are you a strong supporter of states' rights?**

**Response:** Yes.

**Question 12: Do you believe a state should have a say in protecting its monuments?**

**Response:** Yes.

**Question 13: What are your thoughts on the protection of public lands?**

**Response:** I think protecting certain lands is one of the Department's highest duties.

**Question 14: There has been a push to privatize public lands, but the counties in my state cannot afford to properly manage these areas. Do believe in the agency's continued role in managing and protecting public lands?**

**Response:** Yes.

**Question 15: Do you support the BLM Methane rule? It has been reported that Secretary Zinke will be reviewing the rule internally. What would your approach be in reviewing the rule?**

**Response:** I have no informed view of the final rule, but I would learn about it by reading the rule and its administrative record, evaluating prior comments, listening to the career staff that developed it, and reviewing the complaints about it.

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**Question 16: Nevada is the driest state in the Nation. Please describe your approach in helping Western states address water scarcity and resiliency?**

**Response:** I will do everything I can to ensure that the Department is a good neighbor, facilitating a collaborative approach to addressing scarcity and resiliency.

**Question 17: How would you help to facilitate another water sharing agreement once Minute 319 under the U.S. Mexico water treaty expires this year?**

**Response:** I would need to get up to speed on where the Department is at and where the Basin states are before I could answer this question.

**Question 18: Because the lower basin states are all dependent upon the Colorado River, do you believe we also need to increase our water supply regionally by investing in recycling, groundwater storage, and stormwater capture?**

**Response:** I think that these are good things to do.

**Question 19: What about ensuring that refuges get the federal water supplies they need and are receive under the law?**

**Response:** I think this is important.

**Question 20: How would you approach wild horse management concerns that we have in my state?**

**Response:** By working with you and your colleagues on the issue.

**Question 21: Do you believe there should be a task force to facilitate consensus?**

**Response:** I know that several administrations have made efforts here and failed, so before I suggest that a task force is a magic bullet, I would need to understand the scope of any previous review and how those reviewers were empowered. There have been many studies of the situation, and we need to find a pathway to fix it.

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**Question 22: How will you protect agency scientific findings that may be politically challenging, but should be the basis for decisions and analysis from each Bureau and Department?**

**Response:** I will not shrink from taking the evidence as I see it and developing a reasoned articulation of the conclusions I draw based upon the facts found and the legal framework I am working under.



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**From:** Bloomgren, Megan <megan\_bloomgren@ios.doi.gov>  
**Sent:** Wednesday, May 10, 2017 1:19 PM  
**To:** Day, Jim; Interior Press  
**Cc:** Swift, Heather  
**Subject:** Re: Media inquiry re methane venting rule

Jim, regarding your query, below is a statement from Kate MacGregor, Acting Assistant Secretary of the Interior for Land and Minerals, on U.S. Senate Vote on the Venting and Flaring Rule.

"As part of President Trump's America-First Energy Strategy and executive order, the Department has reviewed and flagged the Waste Prevention rule as one we will suspend, revise or rescind given its significant regulatory burden that encumbers American energy production, economic growth and job creation.

"The rule is expected to have real and harmful impacts on onshore energy development and could impact state and local jobs and revenue. Small independent oil and gas producers in states like North Dakota, Colorado and New Mexico, which account for a substantial portion of our nation's energy wealth, could be hit the hardest.

"The vote today in the Senate doesn't impact the Administration's commitment to spurring investment in responsible energy development and ensuring smart regulatory protections."

On Wed, May 10, 2017 at 1:13 PM, Day, Jim <[Jim.Day@ihsmarkit.com](mailto:Jim.Day@ihsmarkit.com)> wrote:

Hi Megan and Heather,

I'm writing about the CRA vote today and could use some help from you on the status of Interior's review of the rule...

I know the secretary in March directed BLM to review the rule and report back within something like 21 days, but I don't think I've seen anything on the decision since then.

Can you tell me if BLM has completed its review or if Interior has formally put out a notice to revise or rescind the rule? If so, could you send me the notice or a link where I can find it? If not, do you have a timeframe for when this process could kick off, and estimate on how long it could take? (All this can be off-the-record if you prefer, I'm just trying to understand where the process stands at Interior.)

Also, I'd welcome any statement Interior may have on today's vote and the status of the rule to reduce venting and flaring, or other actions you could take as part of revising the rule.

Thanks for any help. Writing today, deadline 4:30 pm EDT.

Jim

Jim Day

Oil and gas reporter

IHS The Energy Daily

[Jim.Day@ihs.com](mailto:Jim.Day@ihs.com)

202-572-0516

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**From:** Megan Bloomgren <megan\_bloomgren@ios.doi.gov>  
**Sent:** Wednesday, May 10, 2017 12:58 PM  
**To:** Daly, Matthew  
**Cc:** heather\_swift@ios.doi.gov; interior\_press@ios.doi.gov  
**Subject:** Re: Methane CRA

Matt, regarding your query, below is a statement from Kate MacGregor, Acting Assistant Secretary of the Interior for Land and Minerals, on U.S. Senate Vote on the Venting and Flaring Rule.

"As part of President Trump's America-First Energy Strategy and executive order, the Department has reviewed and flagged the Waste Prevention rule as one we will suspend, revise or rescind given its significant regulatory burden that encumbers American energy production, economic growth and job creation.

"The rule is expected to have real and harmful impacts on onshore energy development and could impact state and local jobs and revenue. Small independent oil and gas producers in states like North Dakota, Colorado and New Mexico, which account for a substantial portion of our nation's energy wealth, could be hit the hardest.

"The vote today in the Senate doesn't impact the Administration's commitment to spurring investment in responsible energy development and ensuring smart regulatory protections."

On May 10, 2017, at 12:54 PM, Daly, Matthew <[MDaly@ap.org](mailto:MDaly@ap.org)> wrote:

Does Secretary Zinke have a comment on Senate rejection of BLM Methane Rule CRA?  
Also, does DOI plan to issue a new rule?  
Thanks.  
Matthew

Matthew Daly  
Congressional Reporter  
The Associated Press  
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**From:** Jorjani, Daniel <daniel\_jorjani@ios.doi.gov>  
**Sent:** Tuesday, March 28, 2017 4:42 PM  
**To:** Megan Bloomgren  
**Subject:** Re: Presidential Executive Order on Promoting Energy Independence and Economic Growth

Thank you

On Tue, Mar 28, 2017 at 4:34 PM, Megan Bloomgren <(b) (6)> wrote:

Final EO - note reference to Attorney General

Begin forwarded message:

**From:** "White House Press Office" <[whitehouse-noreply@messages.whitehouse.gov](mailto:whitehouse-noreply@messages.whitehouse.gov)>  
**Date:** March 28, 2017 at 4:01:44 PM EDT  
**To:** (b) (6)  
**Subject:** Presidential Executive Order on Promoting Energy Independence and Economic Growth  
**Reply-To:** [whitehouse-noreply@messages.whitehouse.gov](mailto:whitehouse-noreply@messages.whitehouse.gov)

THE WHITE HOUSE

Office of the Press Secretary

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FOR IMMEDIATE RELEASE

March 28, 2017

EXECUTIVE ORDER

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PROMOTING ENERGY INDEPENDENCE AND ECONOMIC GROWTH

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Policy. (a) It is in the national interest to promote clean and safe development of our Nation's vast energy resources, while at the same time avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation. Moreover, the prudent development of these natural resources is essential to ensuring the Nation's geopolitical security.

(b) It is further in the national interest to ensure that the Nation's electricity is affordable, reliable, safe, secure, and clean, and that it can be produced from coal, natural gas, nuclear material, flowing water, and other domestic sources, including renewable sources.

(c) Accordingly, it is the policy of the United States that executive departments and agencies (agencies) immediately review existing regulations that potentially burden the development or use of domestically produced energy resources and appropriately suspend, revise, or rescind those that unduly burden the development of domestic energy resources beyond the degree necessary to protect the public interest or otherwise comply with the law.

(d) It further is the policy of the United States that, to the extent permitted by law, all agencies should take appropriate actions to promote clean air and clean water for the American people, while also respecting the proper roles of the Congress and the States concerning these matters in our constitutional republic.

(e) It is also the policy of the United States that necessary and appropriate environmental regulations comply with the law, are of greater benefit than cost, when permissible, achieve environmental improvements for the American people, and are developed through transparent processes that employ the best available peer-reviewed science and economics.

Sec. 2. Immediate Review of All Agency Actions that Potentially Burden the Safe, Efficient Development of Domestic Energy Resources. (a) The heads of agencies shall review all existing regulations, orders, guidance documents, policies, and any other similar agency actions (collectively, agency actions) that potentially burden the development or use of domestically produced energy

resources, with particular attention to oil, natural gas, coal, and nuclear energy resources. Such review shall not include agency actions that are mandated by law, necessary for the public interest, and consistent with the policy set forth in section 1 of this order.

(b) For purposes of this order, "burden" means to unnecessarily obstruct, delay, curtail, or otherwise impose significant costs on the siting, permitting, production, utilization, transmission, or delivery of energy resources.

(c) Within 45 days of the date of this order, the head of each agency with agency actions described in subsection (a) of this section shall develop and submit to the Director of the Office of Management and Budget (OMB Director) a plan to carry out the review required by subsection (a) of this section. The plans shall also be sent to the Vice President, the Assistant to the President for Economic Policy, the Assistant to the President for Domestic Policy, and the Chair of the Council on Environmental Quality. The head of any agency who determines that such agency does not have agency actions described in subsection (a) of this section shall submit to the OMB Director a written statement to that effect and, absent a determination by the OMB Director that such agency does have agency actions described in subsection (a) of this section, shall have no further responsibilities under this section.

(d) Within 120 days of the date of this order, the head of each agency shall submit a draft final report detailing the agency actions described in subsection (a) of this section to the Vice President, the OMB Director, the Assistant to the President for Economic Policy, the Assistant to the President for Domestic Policy, and the Chair of the Council on Environmental Quality. The report shall include specific recommendations that, to the extent permitted by law, could alleviate or eliminate aspects of agency actions that burden domestic energy production.

(e) The report shall be finalized within 180 days of the date of this order, unless the OMB Director, in consultation with the other officials who receive the draft final reports, extends that deadline.

(f) The OMB Director, in consultation with the Assistant to the President for Economic Policy, shall be responsible for coordinating the recommended actions included in the agency final reports within the Executive Office of the President.

(g) With respect to any agency action for which specific recommendations are made in a final report pursuant to subsection (e) of this section, the head of the relevant agency shall, as soon as practicable, suspend, revise, or rescind, or publish for notice and comment proposed rules suspending, revising, or rescinding, those actions, as appropriate and consistent with law. Agencies shall endeavor to coordinate such regulatory reforms with their activities undertaken in compliance with Executive Order 13771 of January 30, 2017 (Reducing Regulation and Controlling Regulatory Costs).

Sec. 3. Rescission of Certain Energy and Climate-Related Presidential and Regulatory Actions. (a) The following Presidential actions are hereby revoked:

(i) Executive Order 13653 of November 1, 2013 (Preparing the United States for the Impacts of Climate Change);

(ii) The Presidential Memorandum of June 25, 2013 (Power Sector Carbon Pollution Standards);

(iii) The Presidential Memorandum of November 3, 2015 (Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment); and

(iv) The Presidential Memorandum of September 21, 2016 (Climate Change and National Security).

(b) The following reports shall be rescinded:

(i) The Report of the Executive Office of the President of June 2013 (The President's Climate Action Plan); and

(ii) The Report of the Executive Office of the President of March 2014 (Climate Action Plan Strategy to Reduce Methane Emissions).

(c) The Council on Environmental Quality shall rescind its final guidance entitled "Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews," which is referred to in "Notice of Availability," 81 *Fed. Reg.* 51866 (August 5, 2016).

(d) The heads of all agencies shall identify existing agency actions related to or arising from the Presidential actions listed in subsection (a) of this section, the reports listed in subsection (b) of this section, or the final guidance listed in subsection (c) of this section. Each agency shall, as soon as practicable, suspend, revise, or rescind, or publish for notice and comment proposed rules suspending, revising, or rescinding any such actions, as appropriate and consistent with law and with the policies set forth in section 1 of this order.

Sec. 4. Review of the Environmental Protection Agency's "Clean Power Plan" and Related Rules and Agency Actions. (a) The Administrator of the Environmental Protection Agency (Administrator) shall immediately take all steps necessary to review the final rules set forth in subsections (b)(i) and (b)(ii) of this section, and any rules and guidance issued pursuant to them, for consistency with the policy set forth in section 1 of this order and, if appropriate, shall, as soon as practicable, suspend, revise, or rescind the guidance, or publish for notice and comment proposed rules suspending, revising, or rescinding those rules. In addition, the Administrator shall immediately take all steps necessary to review the proposed rule set forth in subsection (b)(iii) of this section, and, if appropriate, shall, as soon as practicable, determine whether to revise or withdraw the proposed rule.

(b) This section applies to the following final or proposed rules:

(i) The final rule entitled "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units," 80 *Fed. Reg.* 64661 (October 23, 2015) (Clean Power Plan);

(ii) The final rule entitled "Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units," 80 *Fed. Reg.* 64509 (October 23, 2015); and

(iii) The proposed rule entitled "Federal Plan Requirements for Greenhouse Gas Emissions From Electric Utility Generating Units



Constructed on or Before January 8, 2014; Model Trading Rules; Amendments to Framework Regulations; Proposed Rule," 80 *Fed. Reg.* 64966 (October 23, 2015).

(c) The Administrator shall review and, if appropriate, as soon as practicable, take lawful action to suspend, revise, or rescind, as appropriate and consistent with law, the "Legal Memorandum Accompanying Clean Power Plan for Certain Issues," which was published in conjunction with the Clean Power Plan.

(d) The Administrator shall promptly notify the Attorney General of any actions taken by the Administrator pursuant to this order related to the rules identified in subsection (b) of this section so that the Attorney General may, as appropriate, provide notice of this order and any such action to any court with jurisdiction over pending litigation related to those rules, and may, in his discretion, request that the court stay the litigation or otherwise delay further litigation, or seek other appropriate relief consistent with this order, pending the completion of the administrative actions described in subsection (a) of this section.

Sec. 5. Review of Estimates of the Social Cost of Carbon, Nitrous Oxide, and Methane for Regulatory Impact Analysis. (a) In order to ensure sound regulatory decision making, it is essential that agencies use estimates of costs and benefits in their regulatory analyses that are based on the best available science and economics.

(b) The Interagency Working Group on Social Cost of Greenhouse Gases (IWG), which was convened by the Council of Economic Advisers and the OMB Director, shall be disbanded, and the following documents issued by the IWG shall be withdrawn as no longer representative of governmental policy:

(i) Technical Support Document: Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866 (February 2010);

(ii) Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis (May 2013);

(iii) Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis (November 2013);

(iv) Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis (July 2015);

(v) Addendum to the Technical Support Document for Social Cost of Carbon: Application of the Methodology to Estimate the Social Cost of Methane and the Social Cost of Nitrous Oxide (August 2016); and

(vi) Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis (August 2016).

(c) Effective immediately, when monetizing the value of changes in greenhouse gas emissions resulting from regulations, including with respect to the consideration of domestic versus international impacts and the consideration of appropriate discount rates, agencies shall ensure, to the extent permitted by law, that any such estimates are consistent with the guidance contained in OMB Circular A-4 of September 17, 2003 (Regulatory Analysis), which was issued after peer review and public comment and has been widely accepted for more than a decade as embodying the best practices for conducting regulatory cost-benefit analysis.

Sec. 6. Federal Land Coal Leasing Moratorium. The Secretary of the Interior shall take all steps necessary and appropriate to amend or withdraw Secretary's Order 3338 dated January 15, 2016 (Discretionary Programmatic Environmental Impact Statement (PEIS) to Modernize the Federal Coal Program), and to lift any and all moratoria on Federal land coal leasing activities related to Order 3338. The Secretary shall commence Federal coal leasing activities consistent with all applicable laws and regulations.

Sec. 7. Review of Regulations Related to United States Oil and Gas Development. (a) The Administrator shall review the final rule entitled "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources," 81 *Fed. Reg.* 35824 (June 3, 2016), and any rules and guidance issued pursuant to it, for consistency with the policy set forth in section 1 of this order and, if appropriate, shall, as soon as practicable, suspend, revise, or rescind the guidance, or publish for notice and comment proposed rules suspending, revising, or rescinding those rules.

(b) The Secretary of the Interior shall review the following final rules, and any rules and guidance issued pursuant to them, for consistency with the

policy set forth in section 1 of this order and, if appropriate, shall, as soon as practicable, suspend, revise, or rescind the guidance, or publish for notice and comment proposed rules suspending, revising, or rescinding those rules:

(i) The final rule entitled "Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands," 80 *Fed. Reg.* 16128 (March 26, 2015);

(ii) The final rule entitled "General Provisions and Non-Federal Oil and Gas Rights," 81 *Fed. Reg.* 77972 (November 4, 2016);

(iii) The final rule entitled "Management of Non-Federal Oil and Gas Rights," 81 *Fed. Reg.* 79948 (November 14, 2016); and

(iv) The final rule entitled "Waste Prevention, Production Subject to Royalties, and Resource Conservation," 81 *Fed. Reg.* 83008 (November 18, 2016).

(c) The Administrator or the Secretary of the Interior, as applicable, shall promptly notify the Attorney General of any actions taken by them related to the rules identified in subsections (a) and (b) of this section so that the Attorney General may, as appropriate, provide notice of this order and any such action to any court with jurisdiction over pending litigation related to those rules, and may, in his discretion, request that the court stay the litigation or otherwise delay further litigation, or seek other appropriate relief consistent with this order, until the completion of the administrative actions described in subsections (a) and (b) of this section.

Sec. 8. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,

March 28, 2017.

# # #

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---

**From:** Devito, Vincent <vincent\_devito@ios.doi.gov>  
**Sent:** Wednesday, May 17, 2017 8:31 AM  
**To:** Haugrud, Kevin  
**Cc:** James Cason; Macgregor, Katharine; Daniel Jorjani; Michael Nedd; Karen Hawbecker; Christopher Rhymes; Richard McNeer  
**Subject:** Re: BLM (b) (5)

1. (b) (5)
2. need a list of companies who said they would "abandon" operations.
3. let's set up a call with petitioners, ASAP, please. Thanks.
4. (b) (5)

Thanks!

On Tue, May 16, 2017 at 4:35 PM, Haugrud, Kevin <[jack.haugrud@sol.doi.gov](mailto:jack.haugrud@sol.doi.gov)> wrote:

Attorney Client Communication  
Attorney Work Product  
DO NOT RELEASE

Vincent: As requested, attached is a memorandum from Associate Solicitor Karen Hawbecker summarizing (b) (5). Please let us know if you have any additional questions. Jack

cc Jim, Kate, Dan, Mike, Karen, Richard, Chris

---

**From:** Swift, Heather <heather\_swift@ios.doi.gov>  
**Sent:** Friday, May 19, 2017 5:17 PM  
**To:** Pamela King  
**Cc:** interior\_press@ios.doi.gov  
**Subject:** Re: BLM methane and waste prevention rule delay

Sorry for the delay - i was out of the office most of the afternoon.

"As part of President Trump's America-First Energy Strategy and executive order, the Department has reviewed and flagged the Waste Prevention rule as one we will suspend, revise or rescind given its significant regulatory burden that encumbers American energy production, economic growth and job creation.

"The rule is expected to have real and harmful impacts on onshore energy development and could impact state and local jobs and revenue. Small independent oil and gas producers in states like North Dakota, Colorado and New Mexico, which account for a substantial portion of our nation's energy wealth, could be hit the hardest.

"The vote today in the Senate doesn't impact the Administration's commitment to spurring investment in responsible energy development and ensuring smart regulatory protections."

Statement by Kate MacGregor, Acting Assistant Secretary of the Interior for Land and Minerals, on U.S. Senate Vote on the Venting and Flaring Rule

-

Heather Swift  
Department of the Interior  
@DOIPressSec  
[Heather\\_Swift@ios.doi.gov](mailto:Heather_Swift@ios.doi.gov) | [Interior\\_Press@ios.doi.gov](mailto:Interior_Press@ios.doi.gov)

On Fri, May 19, 2017 at 11:19 AM, Pamela King <[pking@eenews.net](mailto:pking@eenews.net)> wrote:

Hi Heather,

I wanted to follow up on [this news](#) yesterday. Is Interior considering a delay to implementation of the rule?

Thank you,

**Pamela King**

E&E News reporter

[pking@eenews.net](mailto:pking@eenews.net)

202-446-0458 (office)

603-303-3807 (mobile)

[@pamelalauren](#)

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Energywire, Climatewire, E&E Daily, Greenwire, E&ENews PM, E&ETV

---

**From:** Swift, Heather <heather\_swift@ios.doi.gov>  
**Sent:** Friday, March 17, 2017 10:10 AM  
**To:** ryanzinke  
**Subject:** Re: Brilliant

Thank you. Definitely want to get him in the good press. (b) (5)

-  
Heather Swift  
Department of the Interior  
@DOIPressSec  
[Heather\\_Swift@ios.doi.gov](mailto:Heather_Swift@ios.doi.gov) | [Interior\\_Press@ios.doi.gov](mailto:Interior_Press@ios.doi.gov)

On Fri, Mar 17, 2017 at 10:06 AM, ryanzinke <(b) (6)> wrote:  
Fred davis sends his compliments on the snow shovel piece. you are doing great work as always. (b) (5)  
. z

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Heather Swift <[heather\\_swift@ios.doi.gov](mailto:heather_swift@ios.doi.gov)>  
Date: 17/03/2017 05:15 (GMT-07:00)  
To: (b) (6)  
Subject: Fwd: U.S. Department of the Interior News Briefing for Friday, March 17, 2017

U.S. Department of the Interior News Briefing

\*Mobile version and searchable archives available here

<<http://interior.bulletinintelligence.com/?d=170317&auth=e71ils1bb2>>.\* \*Please  
click here <<http://interior.bulletinintelligence.com/subscribe>> to  
subscribe.\*

[image: US Department of the Interior News Briefing]

<<http://interior.bulletinnews.com/?d=170317&auth=e71ils1bb2>>

DATE: FRIDAY, MARCH 17, 2017 7:00 AM EDT

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- Santa Clarita Valley (CA) Signal: Bill To Stop Mining In Soledad Canyon Reintroduced. <#S19>  
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- Bismarck (ND) Tribune: Oil Industry Welcomes Fracking Regulatory Rollbacks. <#S23>
- Associated Press: North Dakota Considering Federal Government, ETP To Recoup Protest Costs. <#S24>
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## DOI in the News

Secretary Zinke Confident Interior Can Maintain Mission In Face Of Budget Cuts.

## The Huffington Post

<[http://www.huffingtonpost.com/2017/03/16/ryan-zinke-interior-department-budget-cuts-us\\_n\\_15418668.html](http://www.huffingtonpost.com/2017/03/16/ryan-zinke-interior-department-budget-cuts-us_n_15418668.html)>

(3/16, D'angelo) reports that on March 3, Interior Secretary Ryan Zinke “addressed his staff at the agency’s Washington headquarters” and “vowed to ‘fight’ his boss, President Donald Trump, on the looming Interior Department budget cuts.” At that time, the Trump Administration was “looking to slash 10 percent of the agency’s budget,” according to E&E News. But after “the White House unveiled its ‘America First’ budget proposal, which calls for cutting the Interior Department’s budget from \$13.2 billion to \$11.6 billion — a 12 percent decrease,” Zinke’s tone has “suddenly improved.” He said in a statement, “America’s public lands are our national treasures and the President’s budget sends a strong signal that we will protect and responsibly manage these vast areas of our country ‘for the benefit and enjoyment of the people.” Zinke added, “I can say for certain that this budget allows the Interior Department to meet our core

mission and also prioritizes the safety and security of the American people. From supporting tribal sovereignty and self-determination across Indian country to investing more than \$1 billion in safe and reliable water management in the western U.S., to budgeting for wildland fire preparedness and suppression, and streamlining access to the energy resources America needs, this budget enables the Department to meet its core mission and prioritizes programs that will put Americans' security first."

The \*Helena (MT) Independent Record\*

<[http://helenair.com/news/state-and-regional/trump-budget-proposes-big-changes-in-forest-service-interior-spending/article\\_7a791203-3514-5e05-8e5b-15d9e5a06379.html](http://helenair.com/news/state-and-regional/trump-budget-proposes-big-changes-in-forest-service-interior-spending/article_7a791203-3514-5e05-8e5b-15d9e5a06379.html)>

(3/16, Chaney) reports that Zinke's office said "that the budget eliminates duplicate programs for Abandoned Mine Land grants, National Heritage Areas and National Wildlife Refuge payments that overlap with other programs or should be funded at the local level." Also, "new money would support Interior's energy development programs on public lands and waters, including streamlining permitting processes and providing more industry access to public resources." Meanwhile, "Interior's budget would also get \$1 billion more to invest in Western-state water resources, although that was not further defined."

Additional coverage was provided by the \*Ravalli (MT) Republic\*

<[http://ravallirepublic.com/news/government-and-politics/article\\_45cee8f3-b6d2-54a4-8b4d-92c5a6efb442.html](http://ravallirepublic.com/news/government-and-politics/article_45cee8f3-b6d2-54a4-8b4d-92c5a6efb442.html)>

(3/16, Chaney) and the \*Missoulian (MT)\*

<[http://missoulian.com/news/local/trump-budget-proposes-big-changes-in-forest-service-interior-spending/article\\_4fff9c2e-ead0-5487-965f-95d6bf982b65.html](http://missoulian.com/news/local/trump-budget-proposes-big-changes-in-forest-service-interior-spending/article_4fff9c2e-ead0-5487-965f-95d6bf982b65.html)>

(3/16, Chaney).

Also providing coverage are the \*Washington (DC) Examiner\*

<<http://www.washingtonexaminer.com/winners-and-losers-under-trumps-budget-plan/article/2617543>>

(3/16, Lawler), the \*Arizona Republic\*

<<http://www.azcentral.com/story/news/politics/2017/03/16/what-does-trump-budget-eliminate/99223182/>>

(3/16, Korte), the \*Colorado Statesman\*

<<https://www.coloradostatesman.com/149138-2/>> (3/16, Tomasic), the \*Boulder (CO) Daily Camera\*

<[http://www.dailycamera.com/science\\_environment/ci\\_30861713/boulder-may-be-hit-hard-by-trump-cuts](http://www.dailycamera.com/science_environment/ci_30861713/boulder-may-be-hit-hard-by-trump-cuts)>

(3/16, Brennan), the \*Delmarva (MD) Daily Times\*

<<http://www.delmarvanow.com/story/news/local/virginia/2017/03/16/national-wildlife-refuge-cuts/99252064/>>

(3/16, Chesson), the \*Detroit (MI) Free Press\*

<<http://www.freep.com/story/news/local/michigan/2017/03/16/trump-budget-cuts-michigan/99266680/>>

(3/16, Spangler), the \*Newport News (VA) Daily Press\*

<<http://www.dailypress.com/news/dp-trump-budget-blueprint-a-mixed-impact-for-virginia-peninsula-20170316-story.amp.html>>

(3/16, Röss), the \*Memphis (TN) Commercial Appeal\*

<<http://www.commercialappeal.com/story/news/politics/2017/03/16/president-trumps-proposed-budget-cuts-would-felt-tennessee/99254708/>>

(3/16, Collins), the \*Tri-State Livestock News (SD)\*

<<http://www.tsln.com/news/president-trump-requests-11-6-billion-for-interior-departments-fy-2018-budget/>>

(3/16), the \*San Francisco (CA) Chronicle\*

<<http://www.sfgate.com/news/article/Trump-budget-slashes-agency-money-to-boost-11005517.php?ipid=articlerecirc>>  
 (3/16, Taylor), the \*San Francisco (CA) Chronicle\*  
 <<http://www.sfgate.com/bayarea/article/Trump-blueprint-budget-cuts-domestic-11006324.php>>  
 (3/16, Lochhead), \*The Guardian (UK)\*  
 <<https://www.theguardian.com/environment/2017/mar/16/trump-budget-cuts-climate-change-clean-up-programs-epa>>  
 (3/16, Milman), \*Montana Public Radio\*  
 <<http://mtpr.org/post/president-proposes-12-percent-cut-interior-department-budget>>  
 (3/16, O'Brien), \*Natural Gas Intelligence\*  
 <<http://www.naturalgasintel.com/articles/109791-epa-clean-power-plan-liheap-among-casualties-of-trumps-proposed-budget>>  
 (3/16, Passut), the \*Nation Sun News\*  
 <<https://www.indianz.com/News/2017/03/16/donald-trump-brings-bad-news-to-indian-c.asp>>  
 (3/16), \*Wired\*  
 <<https://www.wired.com/2017/03/trumps-trying-chainsaw-nearly-every-environmental-program/>>  
 (3/16, Stockton), \*WUSA-TV Washington (DC)\*  
 <<http://www.wusa9.com/news/nation-now/trumps-federal-budget-would-eliminate-dozens-of-agencies-and-programs/423042585>>  
 Washington (3/16, Korte), \*WJBK-TV Detroit (MI)\*  
 <<http://www.fox2detroit.com/news/local-news/242037923-story>> Detroit (3/16,  
 Rowe), and \*KRWG-FM Las Cruces (NM)\*  
 <<http://krwg.org/post/udall-president-s-budget-devastating-new-mexicans-and-i-predict-it-dead-arrival>>  
 Las Cruces, NM (3/16).

White House Budget Cuts Target Climate Science And Research. The New York Times  
 <<https://www.nytimes.com/2017/03/16/climate/trump-budget-science-research.html>>  
 (3/16, Fountain, Schwartz) reports that President Trump unveiled his proposed budget on Thursday to the shock of “scientists, researchers and program administrators.” Climate science programs throughout the federal government were targeted for elimination. During a White House briefing, Mick Mulvaney, the director of the Office of Management and Budget, further clarified, “As to climate change, I think the president was fairly straightforward: We’re not spending money on that anymore.” The Washington Times  
 <<http://m.washingtontimes.com/news/2017/mar/16/trump-budget-targets-obama-climate-change-policies/>>  
 (3/16, Boyer) reports that the budget proposal offers \$100 million in savings in fiscal 2018 “by discontinuing funding for climate-change research, international climate-change programs and the Obama administration’s Clean Power Plan.” The Washington Post  
 <[https://www.washingtonpost.com/business/economy/trump-federal-budget-2018-massive-cuts-to-the-arts-science-and-the-poor/2017/03/15/0a0a0094-09a1-11e7-a15f-a58d4a988474\\_story.html?hpid=hp\\_hp-banner-main\\_b-budget-12am%3Ahomepage%2Fstory](https://www.washingtonpost.com/business/economy/trump-federal-budget-2018-massive-cuts-to-the-arts-science-and-the-poor/2017/03/15/0a0a0094-09a1-11e7-a15f-a58d4a988474_story.html?hpid=hp_hp-banner-main_b-budget-12am%3Ahomepage%2Fstory)>  
 (3/16, Paletta) reports that if implemented, the budget cuts would “represent the widest swath of reductions in federal programs since the drawdown after World War II,” a state goal of the new administration. Meanwhile, the AP  
 <[https://www.washingtonpost.com/politics/trump-budget-would-gut-science-environment-programs/2017/03/16/81cce9b2-0a81-11e7-bd19-fd3afa0f7e2a\\_story.html](https://www.washingtonpost.com/politics/trump-budget-would-gut-science-environment-programs/2017/03/16/81cce9b2-0a81-11e7-bd19-fd3afa0f7e2a_story.html)>  
 (3/16, Daly) says the budget cuts to science and environmental programs

“reflect the Republican’s rejection of mainstream science.”

The \*Washington Post\*

<<https://www.washingtonpost.com/news/energy-environment/wp/2017/03/16/trumps-budget-would-torpedo-obamas-investments-in-climate-change-and-clean-energy/>>

(3/16, Mooney) says the budget proposal “presents a wholesale repudiation of two main Obama administration objectives: fighting climate change and stoking a revolution in renewable energy.” The \*Washington Times\*

<<http://www.washingtontimes.com/news/2017/mar/16/trump-budget-targets-obama-climate-change-policies/>>

(3/16, Boyer) reports that it shows Trump’s “intention to end President Obama’s climate-change policies, including eliminating funding for the so-called Clean Power Plan.” David Goldston of the Natural Resources Defense Council told \*USA Today\*

<<http://www.usatoday.com/story/news/politics/2017/03/16/wilderness-society-ocean-conservancy-say-budget-cuts-would-harm-environment/99261138/>>

(3/16, Sullivan), “Calling this a budget is kind of the equivalent of calling a nuclear attack a disagreement.” Goldston “said the danger was not that Congress would approve the proposal but that it ‘might take this seriously as a point for negotiation.’”

Additional coverage was provided by \*CNN\*

<<http://www.cnn.com/2017/03/16/health/trump-budget-medical-science-huge-cuts/index.html>>

(3/16, Christensen), the \*Christian Science Monitor\*

<<http://www.csmonitor.com/Environment/Inhabit/2017/0316/Trump-budget-slashes-climate-science.-Why-does-that-matter>>

(3/16), \*Vox\*

<<http://www.vox.com/policy-and-politics/2017/3/16/14940444/2018-budget-trump-science-nih>>

(3/16, Resnick), \*The Verge\*

<<http://www.theverge.com/2017/3/16/14951398/trump-mick-mulvaney-climate-change-epa-budget-cuts>>

(3/16, Becker), \*The Verge\*

<<http://www.theverge.com/2017/3/16/14944084/trump-budget-science-funding-politics-epa-hhs-agriculture-interior>>,

and \*Ars Technica\*

<<https://arstechnica.com/science/2017/03/trump-flips-science-the-bird-with-new-budget/>>

(3/16, TIMMER, GITLIN, JOHNSON).

Lawmakers, Scientific Community Respond To Proposed Budget Cuts. The Denver Post

<<http://www.denverpost.com/2017/03/16/michael-bennet-colorado-spri>

---

**From:** Megan Bloomgren <megan\_bloomgren@ios.doi.gov>  
**Sent:** Wednesday, May 10, 2017 12:58 PM  
**To:** Daly, Matthew  
**Cc:** heather\_swift@ios.doi.gov; interior\_press@ios.doi.gov  
**Subject:** Re: Methane CRA

Matt, regarding your query, below is a statement from Kate MacGregor, Acting Assistant Secretary of the Interior for Land and Minerals, on U.S. Senate Vote on the Venting and Flaring Rule.

"As part of President Trump's America-First Energy Strategy and executive order, the Department has reviewed and flagged the Waste Prevention rule as one we will suspend, revise or rescind given its significant regulatory burden that encumbers American energy production, economic growth and job creation.

"The rule is expected to have real and harmful impacts on onshore energy development and could impact state and local jobs and revenue. Small independent oil and gas producers in states like North Dakota, Colorado and New Mexico, which account for a substantial portion of our nation's energy wealth, could be hit the hardest.

"The vote today in the Senate doesn't impact the Administration's commitment to spurring investment in responsible energy development and ensuring smart regulatory protections."

On May 10, 2017, at 12:54 PM, Daly, Matthew <[MDaly@ap.org](mailto:MDaly@ap.org)> wrote:

Does Secretary Zinke have a comment on Senate rejection of BLM Methane Rule CRA?  
Also, does DOI plan to issue a new rule?  
Thanks.  
Matthew

Matthew Daly  
Congressional Reporter  
The Associated Press  
202-641-9481 direct  
202-365-2993 cell  
Follow me on Twitter: @MatthewDalyWDC

---

**From:** Jorjani, Daniel <daniel\_jorjani@ios.doi.gov>  
**Sent:** Tuesday, March 28, 2017 4:42 PM  
**To:** Megan Bloomgren  
**Subject:** Re: Presidential Executive Order on Promoting Energy Independence and Economic Growth

Thank you

On Tue, Mar 28, 2017 at 4:34 PM, Megan Bloomgren <(b) (6)> wrote:

Final EO - note reference to Attorney General

Begin forwarded message:

**From:** "White House Press Office" <[whitehouse-noreply@messages.whitehouse.gov](mailto:whitehouse-noreply@messages.whitehouse.gov)>  
**Date:** March 28, 2017 at 4:01:44 PM EDT  
**To:** (b) (6)  
**Subject:** Presidential Executive Order on Promoting Energy Independence and Economic Growth  
**Reply-To:** [whitehouse-noreply@messages.whitehouse.gov](mailto:whitehouse-noreply@messages.whitehouse.gov)

THE WHITE HOUSE

Office of the Press Secretary

---

FOR IMMEDIATE RELEASE

March 28, 2017

EXECUTIVE ORDER

- - - - -

PROMOTING ENERGY INDEPENDENCE AND ECONOMIC GROWTH

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Policy. (a) It is in the national interest to promote clean and safe development of our Nation's vast energy resources, while at the same time avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation. Moreover, the prudent development of these natural resources is essential to ensuring the Nation's geopolitical security.

(b) It is further in the national interest to ensure that the Nation's electricity is affordable, reliable, safe, secure, and clean, and that it can be produced from coal, natural gas, nuclear material, flowing water, and other domestic sources, including renewable sources.

(c) Accordingly, it is the policy of the United States that executive departments and agencies (agencies) immediately review existing regulations that potentially burden the development or use of domestically produced energy resources and appropriately suspend, revise, or rescind those that unduly burden the development of domestic energy resources beyond the degree necessary to protect the public interest or otherwise comply with the law.

(d) It further is the policy of the United States that, to the extent permitted by law, all agencies should take appropriate actions to promote clean air and clean water for the American people, while also respecting the proper roles of the Congress and the States concerning these matters in our constitutional republic.

(e) It is also the policy of the United States that necessary and appropriate environmental regulations comply with the law, are of greater benefit than cost, when permissible, achieve environmental improvements for the American people, and are developed through transparent processes that employ the best available peer-reviewed science and economics.

Sec. 2. Immediate Review of All Agency Actions that Potentially Burden the Safe, Efficient Development of Domestic Energy Resources. (a) The heads of agencies shall review all existing regulations, orders, guidance documents, policies, and any other similar agency actions (collectively, agency actions) that potentially burden the development or use of domestically produced energy



resources, with particular attention to oil, natural gas, coal, and nuclear energy resources. Such review shall not include agency actions that are mandated by law, necessary for the public interest, and consistent with the policy set forth in section 1 of this order.

(b) For purposes of this order, "burden" means to unnecessarily obstruct, delay, curtail, or otherwise impose significant costs on the siting, permitting, production, utilization, transmission, or delivery of energy resources.

(c) Within 45 days of the date of this order, the head of each agency with agency actions described in subsection (a) of this section shall develop and submit to the Director of the Office of Management and Budget (OMB Director) a plan to carry out the review required by subsection (a) of this section. The plans shall also be sent to the Vice President, the Assistant to the President for Economic Policy, the Assistant to the President for Domestic Policy, and the Chair of the Council on Environmental Quality. The head of any agency who determines that such agency does not have agency actions described in subsection (a) of this section shall submit to the OMB Director a written statement to that effect and, absent a determination by the OMB Director that such agency does have agency actions described in subsection (a) of this section, shall have no further responsibilities under this section.

(d) Within 120 days of the date of this order, the head of each agency shall submit a draft final report detailing the agency actions described in subsection (a) of this section to the Vice President, the OMB Director, the Assistant to the President for Economic Policy, the Assistant to the President for Domestic Policy, and the Chair of the Council on Environmental Quality. The report shall include specific recommendations that, to the extent permitted by law, could alleviate or eliminate aspects of agency actions that burden domestic energy production.

(e) The report shall be finalized within 180 days of the date of this order, unless the OMB Director, in consultation with the other officials who receive the draft final reports, extends that deadline.

(f) The OMB Director, in consultation with the Assistant to the President for Economic Policy, shall be responsible for coordinating the recommended actions included in the agency final reports within the Executive Office of the President.

(g) With respect to any agency action for which specific recommendations are made in a final report pursuant to subsection (e) of this section, the head of the relevant agency shall, as soon as practicable, suspend, revise, or rescind, or publish for notice and comment proposed rules suspending, revising, or rescinding, those actions, as appropriate and consistent with law. Agencies shall endeavor to coordinate such regulatory reforms with their activities undertaken in compliance with Executive Order 13771 of January 30, 2017 (Reducing Regulation and Controlling Regulatory Costs).

Sec. 3. Rescission of Certain Energy and Climate-Related Presidential and Regulatory Actions. (a) The following Presidential actions are hereby revoked:

(i) Executive Order 13653 of November 1, 2013 (Preparing the United States for the Impacts of Climate Change);

(ii) The Presidential Memorandum of June 25, 2013 (Power Sector Carbon Pollution Standards);

(iii) The Presidential Memorandum of November 3, 2015 (Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment); and

(iv) The Presidential Memorandum of September 21, 2016 (Climate Change and National Security).

(b) The following reports shall be rescinded:

(i) The Report of the Executive Office of the President of June 2013 (The President's Climate Action Plan); and

(ii) The Report of the Executive Office of the President of March 2014 (Climate Action Plan Strategy to Reduce Methane Emissions).

(c) The Council on Environmental Quality shall rescind its final guidance entitled "Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews," which is referred to in "Notice of Availability," 81 *Fed. Reg.* 51866 (August 5, 2016).

(d) The heads of all agencies shall identify existing agency actions related to or arising from the Presidential actions listed in subsection (a) of this section, the reports listed in subsection (b) of this section, or the final guidance listed in subsection (c) of this section. Each agency shall, as soon as practicable, suspend, revise, or rescind, or publish for notice and comment proposed rules suspending, revising, or rescinding any such actions, as appropriate and consistent with law and with the policies set forth in section 1 of this order.

Sec. 4. Review of the Environmental Protection Agency's "Clean Power Plan" and Related Rules and Agency Actions. (a) The Administrator of the Environmental Protection Agency (Administrator) shall immediately take all steps necessary to review the final rules set forth in subsections (b)(i) and (b)(ii) of this section, and any rules and guidance issued pursuant to them, for consistency with the policy set forth in section 1 of this order and, if appropriate, shall, as soon as practicable, suspend, revise, or rescind the guidance, or publish for notice and comment proposed rules suspending, revising, or rescinding those rules. In addition, the Administrator shall immediately take all steps necessary to review the proposed rule set forth in subsection (b)(iii) of this section, and, if appropriate, shall, as soon as practicable, determine whether to revise or withdraw the proposed rule.

(b) This section applies to the following final or proposed rules:

(i) The final rule entitled "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units," 80 *Fed. Reg.* 64661 (October 23, 2015) (Clean Power Plan);

(ii) The final rule entitled "Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units," 80 *Fed. Reg.* 64509 (October 23, 2015); and

(iii) The proposed rule entitled "Federal Plan Requirements for Greenhouse Gas Emissions From Electric Utility Generating Units

Constructed on or Before January 8, 2014; Model Trading Rules; Amendments to Framework Regulations; Proposed Rule," 80 *Fed. Reg.* 64966 (October 23, 2015).

(c) The Administrator shall review and, if appropriate, as soon as practicable, take lawful action to suspend, revise, or rescind, as appropriate and consistent with law, the "Legal Memorandum Accompanying Clean Power Plan for Certain Issues," which was published in conjunction with the Clean Power Plan.

(d) The Administrator shall promptly notify the Attorney General of any actions taken by the Administrator pursuant to this order related to the rules identified in subsection (b) of this section so that the Attorney General may, as appropriate, provide notice of this order and any such action to any court with jurisdiction over pending litigation related to those rules, and may, in his discretion, request that the court stay the litigation or otherwise delay further litigation, or seek other appropriate relief consistent with this order, pending the completion of the administrative actions described in subsection (a) of this section.

Sec. 5. Review of Estimates of the Social Cost of Carbon, Nitrous Oxide, and Methane for Regulatory Impact Analysis. (a) In order to ensure sound regulatory decision making, it is essential that agencies use estimates of costs and benefits in their regulatory analyses that are based on the best available science and economics.

(b) The Interagency Working Group on Social Cost of Greenhouse Gases (IWG), which was convened by the Council of Economic Advisers and the OMB Director, shall be disbanded, and the following documents issued by the IWG shall be withdrawn as no longer representative of governmental policy:

(i) Technical Support Document: Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866 (February 2010);

(ii) Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis (May 2013);

(iii) Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis (November 2013);

(iv) Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis (July 2015);

(v) Addendum to the Technical Support Document for Social Cost of Carbon: Application of the Methodology to Estimate the Social Cost of Methane and the Social Cost of Nitrous Oxide (August 2016); and

(vi) Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis (August 2016).

(c) Effective immediately, when monetizing the value of changes in greenhouse gas emissions resulting from regulations, including with respect to the consideration of domestic versus international impacts and the consideration of appropriate discount rates, agencies shall ensure, to the extent permitted by law, that any such estimates are consistent with the guidance contained in OMB Circular A-4 of September 17, 2003 (Regulatory Analysis), which was issued after peer review and public comment and has been widely accepted for more than a decade as embodying the best practices for conducting regulatory cost-benefit analysis.

Sec. 6. Federal Land Coal Leasing Moratorium. The Secretary of the Interior shall take all steps necessary and appropriate to amend or withdraw Secretary's Order 3338 dated January 15, 2016 (Discretionary Programmatic Environmental Impact Statement (PEIS) to Modernize the Federal Coal Program), and to lift any and all moratoria on Federal land coal leasing activities related to Order 3338. The Secretary shall commence Federal coal leasing activities consistent with all applicable laws and regulations.

Sec. 7. Review of Regulations Related to United States Oil and Gas Development. (a) The Administrator shall review the final rule entitled "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources," 81 *Fed. Reg.* 35824 (June 3, 2016), and any rules and guidance issued pursuant to it, for consistency with the policy set forth in section 1 of this order and, if appropriate, shall, as soon as practicable, suspend, revise, or rescind the guidance, or publish for notice and comment proposed rules suspending, revising, or rescinding those rules.

(b) The Secretary of the Interior shall review the following final rules, and any rules and guidance issued pursuant to them, for consistency with the

policy set forth in section 1 of this order and, if appropriate, shall, as soon as practicable, suspend, revise, or rescind the guidance, or publish for notice and comment proposed rules suspending, revising, or rescinding those rules:

(i) The final rule entitled "Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands," 80 *Fed. Reg.* 16128 (March 26, 2015);

(ii) The final rule entitled "General Provisions and Non-Federal Oil and Gas Rights," 81 *Fed. Reg.* 77972 (November 4, 2016);

(iii) The final rule entitled "Management of Non-Federal Oil and Gas Rights," 81 *Fed. Reg.* 79948 (November 14, 2016); and

(iv) The final rule entitled "Waste Prevention, Production Subject to Royalties, and Resource Conservation," 81 *Fed. Reg.* 83008 (November 18, 2016).

(c) The Administrator or the Secretary of the Interior, as applicable, shall promptly notify the Attorney General of any actions taken by them related to the rules identified in subsections (a) and (b) of this section so that the Attorney General may, as appropriate, provide notice of this order and any such action to any court with jurisdiction over pending litigation related to those rules, and may, in his discretion, request that the court stay the litigation or otherwise delay further litigation, or seek other appropriate relief consistent with this order, until the completion of the administrative actions described in subsections (a) and (b) of this section.

Sec. 8. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,

March 28, 2017.

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**From:** Chambers, Micah <micah\_chambers@ios.doi.gov>  
**Sent:** Thursday, April 6, 2017 4:40 PM  
**To:** domnitchc@api.org  
**Subject:** V/F Doc  
**Attachments:** 4-6-17 VF CRA Briefing.pdf; 4-6-17 VF CRA Briefing.docx

Here they are. Please keep close hold for right now.

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Micah Chambers  
Special Assistant / Acting Director  
Office of Congressional & Legislative Affairs  
Office of the Secretary of the Interior



## BLM Venting & Flaring Rule

### Summary of the Final Rule:

The “Venting & Flaring Rule” (the Rule) is formally the *Waste Prevention, Production Subject to Royalties, and Resource Conservation* rulemaking that replaced the requirements related to venting, flaring, and royalty-free use of gas contained in the 1979 Notice to Lessees and Operators of Onshore Federal and Indian Oil and Gas Leases, Royalty or Compensation for Oil and Gas Lost (NTL-4A). Currently, only 12 percent of operators have reported flared gas from oil well production. The Rule is codified in 43 CFR subparts 3178 and 3179 and became effective on January 17, 2017.

### Statutory Authority and Regulatory History:

The Mineral Leasing Act of 1920 (MLA) (30 U.S.C. §§ 188–287) subjects federal oil and gas leases to the condition that lessees will “use all reasonable precautions to prevent waste of oil and gas developed in the land . . . .” 30 U.S.C. § 225. Further, the MLA requires lessees to exercise “reasonable diligence, skill, and care” in their operations and requires lessees to observe “such rules for the health and safety of the miners and for the prevention of undue waste as may be prescribed by [the] Secretary [of the Interior].” 30 U.S.C. § 187. The Federal Oil and Gas Royalty Management Act (FOGRMA) makes lessees liable for royalty payments on oil or gas lost or wasted from a lease site when such loss or waste is due to negligence or the failure to comply with applicable rules or regulations. 30 U.S.C. § 1756. Both the MLA and FOGRMA authorize the Secretary of the Interior to prescribe rules and regulations necessary to carry out the purposes of those statutes. 30 U.S.C. § 189; 30 U.S.C. § 1751.

Before promulgation of the Venting and Flaring Rule, the Bureau of Land Management (BLM) regulated the venting, flaring, and beneficial use of gas pursuant to NTL-4A, which placed limits on the venting and flaring of gas and defined when gas was “unavoidably lost” and therefore not subject to royalties. The BLM’s Venting & Flaring Rule included many regulatory changes, including emissions-focused requirements that did not appear in NTL-4A. Multiple states and industry groups believe that these new requirements are actually within the jurisdiction of the Clean Air Act (CAA) and therefore outside the Department’s authority to regulate.

### If the Rule is Not Repealed under the Congressional Review Act (CRA):

Although the Venting & Flaring Rule went into effect in January 2017, many of the Rule’s more onerous requirements are not yet operative. Although operators are not yet obligated to comply with these requirements, they will need to expend time and resources to prepare for compliance dates. Presently, the Rule requires operators to submit a waste minimization plan with their applications for permits to drill (APDs), imposes restrictions on venting, and clarifies that when gas is “avoidably lost” and it is therefore subject to royalties. Operators must comply with the Rule’s flaring (or “gas capture”) requirements, equipment upgrade/replacement requirements, and leak detection and repair (LDAR) requirements beginning on January 17, 2018.

The BLM expects industry’s annual compliance costs from 2017 to 2026 to be between \$114 and \$279 million, with first year compliance costs estimated to be \$113 million (\$84 million for LDAR alone).

The Rule will continue in effect unless the BLM rescinds or replaces the Rule through the rulemaking process outlined below, or the Rule is overturned in pending litigation. Any new rule that the BLM promulgates would likely be challenged in court with a minimum litigation cost of \$500,000. If the new rulemaking is overturned in litigation, the Venting and Flaring Rule would come back into effect.

If the Rule is Repealed under the CRA:

If the Rule is repealed under the CRA, NTL-4A would come back into effect immediately. The BLM retains its existing authority under the MLA and FOGRMA to make effective updates to NTL-4A while ceding some of the more duplicative regulatory provisions to states/EPA under the CAA.

The BLM could consider policy actions to curb waste and focus on revisions to NTL-4A to address the following:

- Encouraging beneficial use of oil or gas on lease
- Regulating flaring of unmarketable gas from oil wells
- Conserving unsold gas by reinjection
- Improving ROW timelines and removing obstacles to timely approval for pipeline infrastructure
- Recognizing existing State/tribal policy/rules, such as those in North Dakota, Wyoming, Utah, New Mexico, Colorado, and Montana

If a court overturns any replacement or revision of NTL-4A, NTL-4A would come back into effect.

**Table: Rulemaking Schedule**

Activity	Description	Timing
Advanced Notice of Proposed Rulemaking (ANPR)	OPTIONAL. The BLM would solicit input from the public on whether, and how, NTL-4A should be revised.	1 month to publish 2 months for public comment
Notice of Proposed Rulemaking (NPR)	The BLM would develop a NPR based on previous rule experiences or comments received from ANPR process. The Office of Management and Budget (OMB) needs to review and clear the proposal.	3 months to draft NPR 3 months for OMB review
NPR comment period	The NPR is published in the Federal Register for notice-and-comment period.	2 months
Comment review/ Drafting final rule	The BLM reviews the comments and revises the rule in light of those comments. The BLM sends the revised/final rule to OMB for review.	2 months review/drafting 3 months OMB review
Final rule is published	The BLM publishes the final rule in the Federal Register	After publishing, 2 months until effective
Total time to publish		13 months (for NPR) 16 months (including ANPR)
Total cost		\$1.2 – 2.1 million

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The Rule will continue in effect unless the BLM rescinds or replaces the Rule through the rulemaking process outlined below, or the Rule is overturned in pending litigation. Any new rule that the BLM promulgates would likely be challenged in court with a minimum litigation cost of \$500,000. If the new rulemaking is overturned in litigation, the Venting and Flaring Rule would come back into effect.

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