

**NO ROAD MAP, NO DESTINATION, NO
JUSTIFICATION: THE IMPLEMENTATION
AND IMPACTS OF THE REORGANIZATION
OF THE DEPARTMENT OF THE INTERIOR**

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT AND
INVESTIGATIONS

OF THE

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

Tuesday, April 30, 2019

Serial No. 116-13

Printed for the use of the Committee on Natural Resources



Available via the World Wide Web: <http://www.govinfo.gov>
or

Committee address: <http://naturalresources.house.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

36-257 PDF

WASHINGTON : 2019

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**OVERSIGHT HEARING ON NO ROAD MAP, NO
DESTINATION, NO JUSTIFICATION: THE
IMPLEMENTATION AND IMPACTS OF THE
REORGANIZATION OF THE DEPARTMENT
OF THE INTERIOR**

**Tuesday, April 30, 2019
U.S. House of Representatives
Subcommittee on Oversight and Investigations
Committee on Natural Resources
Washington, DC**

The Subcommittee met, pursuant to notice, at 10 a.m., in room 1324, Longworth House Office Building, Hon. TJ Cox [Chairman of the Subcommittee] presiding.

Present: Representatives Cox, Dingell, Grijalva; Gohmert, Gosar, and Bishop (ex officio).

Mr. COX. The Subcommittee on Oversight and Investigations will now come to order.

The Subcommittee on Oversight and Investigations is meeting today to hear testimony on “No Road Map, No Destination, No Justification: the Implementation and Impacts of the Reorganization of the Department of the Interior.”

Under Committee Rule 4(f), any oral opening statements at the hearing are limited to the Chairman and the Ranking Minority Member. Therefore, I ask unanimous consent that all other Members’ opening statements be made part of the hearing to record today if they are submitted to the Clerk by 5 p.m.

Hearing no objection, so ordered.

**STATEMENT OF THE HON. TJ COX, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. COX. One of the first things Ryan Zinke did after becoming Secretary was try to implement a massive solution in search of a problem. The weakness in that approach to reorganizing the 70,000-employee Department of the Interior became clear early in the process.

We have not seen data to show that there is a problem. We have not seen data to prove that a reorganization was the way to solve the problem. Nor have we seen a cost benefit analysis or workforce planning data. No measurable goals; no comprehensive plan. And that is worth repeating. A massive reorganization, and we have seen no plan. The Department has provided no plan to know if the reorganization is achieving its goals. We have not seen a timeline.

In 2018, the Government Accountability Office laid out what agencies need to do if they want their reorganization to be successful. Unsurprisingly, the recommendations include all the basic considerations that I mentioned, which have not been provided by Secretaries Bernhardt or Zinke.

Before being elected to Congress last year, I owned a couple of businesses and a community development organization. And as a businessman, I can tell you with confidence that if I tried to tell company investors or shareholders that I was going to reorganize the company without showing them evidence of a need to do so, or a way to measure that success, a plan, I would be laughed out of the room. Yet, that is precisely the case at the Department of the Interior.

The actions that have been taken so far in the name of the reorganization have already had significant impacts. Starting in 2017, dozens of the most experienced, most effective employees were moved out of their positions, into positions for which they had no qualifications or interest, and with very little notice. Most felt the moves were punitive or based on political ideology.

The Office of the Inspector General was not able to determine whether the law was broken because documentation was so shoddy. These moves have lowered morale, created a culture of fear, and forced people and institutional knowledge out of the agency. And this was perhaps not an accident.

About \$60 million of funding has been diverted for the reorganization at a time of major proposed cuts to the agencies. That kind of money could fund critical infrastructure projects for people in the Central Valley of California, who desperately need clean drinking water. It could have helped a number of national parks address their maintenance backlogs. It could have helped fund more than enough people to help Interior get rid of its FOIA backlog to allow the American people to know what their agency is doing.

To try to uphold our constitutional prerogative to provide oversight on this major undertaking, this Committee has repeatedly sought information from Interior. We have been repeatedly denied.

Most recently, we tried to make it as easy as possible for them. In March 2017, President Trump issued Executive Order 13781, directing the heads of each executive agency to submit to the Office of Management and Budget a reorganization plan within 180 days.

On April 10, Chairman Grijalva and I sent an official documents request to Interior asking for that plan. Not all correspondence, not all records, not even two documents, just one single document. We know it exists. We have the e-mail that says it is ready for final delivery. We even gave Interior the file name of the document so they didn't have to spend time looking for it. It is Agency Reform Plan—FINAL 9.12.17.pdf. I am not sure how much easier or quicker we could have made it, but we still don't have it.

If Secretary Bernhardt wants to implement the Zinke reorganization plan, he needs to start by providing Congress with a complete justification and a plan. He needs to work with Congress, this Subcommittee, the American people, and Interior employees, instead of seeing us as obstacles to overcome.

A reorganization can do a lot for an agency if it is done right. Let's work together to make sure it is.

[The prepared statement of Mr. Cox follows:]

PREPARED STATEMENT OF THE HON. TJ COX, CHAIR, SUBCOMMITTEE ON OVERSIGHT
AND INVESTIGATIONS

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We have not seen data to show there is a problem. We have not seen data to prove that a reorganization was the way to solve the problem. Nor have we seen a cost benefit analysis or work force planning data. No measurable goals. No comprehensive plan. That's worth repeating—a massive reorganization—and we have seen no plan. The Department has provided no monitoring plan to know if the reorganization is achieving its goals. We have not seen a timeline.

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A reorganization can do a lot of good for an agency if it's done right. Let's work together to make sure it is.

Mr. COX. With that, I now recognize Ranking Member Gohmert for his opening statement.

**STATEMENT OF THE HON. LOUIE GOHMERT, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS**

Mr. GOHMERT. Thank you, Chairman Cox, for holding this hearing—for two reasons: (1) because transforming the Department of the Interior is an important topic that does deserve additional congressional scrutiny; and (2) because this hearing falls completely within the jurisdiction of this Committee, which I hope will continue through the 116th Congress.

The reorganization of the Department of the Interior is just a small part in a larger effort of this Administration to overhaul the entire Federal Government to make it more efficient and effective. In fact, in the Department of the Interior, as the Chairman alluded to, there is a tremendous backlog of \$10 billion or more in simple maintenance repair with what property the Department of the Interior has. Yet, in recent years, the trend has been to acquire more and more property without even bothering to repair and maintain the property it had.

I welcome the reorganization. I think it is past time that such should have been done. And it is consistent with the directive; in March 2017, President Donald Trump issued Executive Order 13781, directing the head of each agency to submit reorganization plans in order to improve the efficiency, effectiveness, and accountability of that agency.

In response to this Executive Order, former Secretary Ryan Zinke, when he was not having to answer claims against him that kept him busy and cost him a tremendous amount of individual money, he began undertaking bold reforms, modernizing the way the Department of the Interior operates. I am confident the newly confirmed Secretary, David Bernhardt, will be able to continue and complete the historic reorganization of the Department.

Ultimately, this reorganization will result in reduced bureaucratic redundancy, increased Federal accountability, improve coordination between the Federal Government, state agencies, and local governments, while spending less money. I too look forward to seeing the reorganization plan.

The Department of the Interior has already made headway on this reorganization by transforming the past management structure of the Department, which consisted of 8 bureaus, 49 regions, each operating in a unique patchwork of boundaries, into 12 unified regional boundaries based on watersheds and ecosystems.

This approach will allow the Department to move away from the one-size-fits-all solutions and focus resources on better serving their new regional boundaries. These new management plans will decrease redundancy while making coordination between different land management agencies more efficient.

Moving the decision makers of the Department closer to the field will add an increased level of accountability not available within the current model of concentrating bureaucracy in DC. Many decision makers within the Department of the Interior are located thousands of miles away from the land and people that their decision will affect.

For example, the Bureau of Land Management oversees nearly 385,000 miles of public lands; 99 percent of this land is in western

states and Alaska. Why should these lands continue to be managed by decision makers inside this beltway?

While several details of the reorganization plan remain unconfirmed, I am afraid, based on the title of today's hearing, the Majority merely intends to spend time criticizing and tearing down the plan. That said, I hope we don't miss the opportunity to truly explore how the Department of the Interior can evolve to better serve the American people and participate in a fruitful discussion.

Historically, agency reorganizations have not been a partisan issue. Many different agencies and bureaus have attempted reorganization plans throughout this Nation's history by both Republican and Democratic administrations. There is much that could be done to transform the Department of the Interior to better address the challenges it will face in the 21st century, and I am glad we are holding the hearing today to explore those options. I look forward to hearing testimony today.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Gohmert follows:]

PREPARED STATEMENT OF THE HON. LOUIE GOHMERT, RANKING MEMBER,
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

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Thank you, Mr. Chairman.

Mr. COX. Thank you. I would like to introduce our witnesses.

Mr. Scott Cameron is the Principal Deputy Assistant Secretary for Policy, Management and Budget at the Department of the Interior. Mr. Michael Bromwich is the Founder and Managing Principal of The Bromwich Group; after the *Deepwater Horizon* spill, Mr. Bromwich spent 18 months at the Department of the Interior, leading the reorganization of the Minerals Management Service. Ms. Jamie Rappaport Clark is the President and CEO of Defenders of Wildlife; from 1997 to 2001 she was the Director of the U.S. Fish and Wildlife Service. Mr. Harold Frazier is Chairman of the Cheyenne River Sioux Tribe, based in South Dakota; Chairman Frazier also serves as President of the Great Plains Tribal Chairmen's Association.

Under Committee Rules, oral statements are limited to 5 minutes, but your entire statement will appear in the hearing record.

The lights in front of you will turn yellow when there is 1 minute left, and then red when time is expired.

After witnesses have testified, Members will be given the opportunity to ask questions.

And with that, the Chair now recognizes Mr. Scott Cameron.

STATEMENT OF SCOTT CAMERON, PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR POLICY, MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF THE INTERIOR, WASHINGTON, DC

Mr. CAMERON. Thank you, Mr. Chairman and Ranking Member Gohmert. I am delighted to be with you this morning to discuss the Department of the Interior's reorganization effort. I do have a few opening remarks, and I appreciate that my full written statement will be submitted for the record. Thank you for that.

The Department's reorganization is in response to President Trump's 2017 Executive Order to reorganize the executive branch to better meet the needs of the American people in the 21st century. Our agency's reform plan highlights the need to modernize and plan for the next 100 years of land and water resource management.

The first and very significant step we took toward reorganization was to create 12 unified regions that align most of our bureaus

within shared geographic boundaries and, more importantly, shared geographic perspectives. After much input from the Department's career senior executive staff, Congress, governors, and external stakeholders, including consultations with Indian tribal leaders, the map was finalized and the unified regions took effect on August 22, 2018.

Importantly, these new unified regional boundaries replaced a confusing array of 49 separate but overlapping regional boundaries among our 9 bureaus and offices.

Reorganization makes it easier for the public and our partners to do business with us by, first, reducing the confusion that the many different bureau boundaries caused. The new structure enables improved coordination among Federal, state, and local agencies, and provides a structure for delegating more decision-making authority to regions to better serve the needs of our customers and partners, especially on matters affecting multiple bureaus.

We will also create more opportunities for employee career advancement and movement across bureaus by promoting cross-bureau collaborative work within each region. We will improve efficiency by sharing resources for common administrative services, such as information technology, human resources, and procurement. Indeed, we are in the process of receiving and analyzing three independent contracts to evaluate those management functions of the Department.

After the unified regions were established we asked current bureau career executive leaders in the 12 regions to form regional executive committees and to select one of their peers as a Regional Facilitator. The Regional Facilitator temporarily serves as a central point of contact in each of the unified regions. The members of the 12 regional executive committees are responsible for sharing information and exploring how to work with each other more closely on programmatic and administrative support teams within their unified regions.

We have also proposed moving elements of the Bureau of Land Management and the U.S. Geological Survey's headquarters operations west to bring them closer to the public that they interact with most frequently.

As a result of the reorganization, the Department is better positioned to accomplish our mission and serve the needs of your constituents. Our staff will be able to do their jobs better as we increase our ability to share knowledge and resources across our bureaus. We will reduce risks to the organization and the confusion that is introduced through inconsistent policies for things like cyber security, acquisition, and human resource management.

We are proceeding deliberately and intentionally on all aspects of reorganization. We will develop new performance measures to evaluate our success and return on investment. We will consider results over time and on a regional basis to determine our success and to identify areas where we still need to improve.

The key here is flexibility. We are looking for an approach that will allow us to fine-tune our management strategies from region to region, reflecting the local needs of the people we serve in the region.

I look forward to answering your questions and to working with the Committee to implement the Department's vision for the reorganization and modernization. Thank you for the opportunity to testify this morning.

[The prepared statement of Mr. Cameron follows:]

PREPARED STATEMENT OF SCOTT CAMERON, PRINCIPAL DEPUTY ASSISTANT
SECRETARY FOR POLICY, MANAGEMENT, AND BUDGET
U.S. DEPARTMENT OF THE INTERIOR

Chairman Cox, Ranking Member Gohmert, and members of the Subcommittee, I am pleased to appear before you today to discuss the Department of the Interior's reorganization.

President Trump's Executive Order 13781, *Comprehensive Plan for Reorganizing the Executive Branch*, challenged all Departments and Agencies to reorganize to better meet the needs of the American people.

The Department welcomed the opportunity to thoughtfully reorganize, as our structure and functions have not fundamentally changed in half a century. Our goal was to increase inter-bureau collaboration and improve interoperability across the Department.

We therefore responded to the White House direction by crafting a transformational vision that more effectively delivers citizen service and enables us to perform our work more efficiently. The Department's reorganization is driven by an imperative to improve inter-bureau coordination, shift resources to front line activities that interact with the public, bring decision makers closer to those who are affected by our decisions, and leverage technology to drive management improvements across a wide variety of administrative services for the benefit of our employees and the people they serve. The first and very significant step to realizing this vision was the designation of 12 unified regions that align most of our bureaus to shared geographic boundaries and, more importantly, shared geographic perspectives.

The Department of the Interior was established 170 years ago. Like other government agencies, we must evolve to capitalize on new opportunities, address modern threats, and meet the needs of a 21st century citizenry.

Over many decades, new bureaus were established on an ad hoc basis, each with unique geographic boundaries. This resulted in a complicated map of 49 regional boundaries among eight bureaus. Bureau regional leadership quite naturally, but not optimally, focused inwardly within their own regional boundaries. This limited perspective inhibited a shared understanding of perspectives of regional stakeholders whose needs span multiple bureaus. Opportunities to share administrative capacity across bureaus were difficult to recognize and implement. Members of the public were frustrated at the pace of decision making by bureaus that were not working together. In more recent times, physical and cybersecurity challenges have increasingly become threats to our employees and visitors, and the facilities, data, lands, and water resources we manage.

The Department's reorganization will improve coordination and collaboration among our bureaus and increase our efficiency by making it easier and more natural to consider the sharing of administrative services across bureaus at the regional, multiregional, and even the national levels. We will find creative ways to streamline and standardize administrative processes and conduct the business of the Department in the smartest ways possible, particularly in the areas of information technology, acquisition/procurement and human resources. We owe it to our employees to provide them with the modern tools and resources they deserve in their professional lives, and quite frankly have come to expect as routine in their personal lives.

The establishment of shared regional geographic boundaries simplifies how people interact with the Department, for our own employees, for state, local, and tribal governments, and for the public. Establishment of the unified regional boundaries across bureaus is the cornerstone for reforming the Department's service delivery to the public. Within each unified region, bureaus will focus their work on the same resources and constituents, and this common view will naturally lead to improved coordination across the bureaus. For the public, fewer regions makes it easier to do business with the Department, particularly for projects or issues requiring interactions across several bureaus. For our diverse mission, the move promotes inter-bureau collaboration, joint problem-solving, and mutual assistance.

Perhaps most importantly, operating under common Department regional boundaries provides certainty for our external customers. By putting more emphasis on shared geography and inter-bureau coordination we are making it more realistic

for our 70,000 employees to pursue cross-training outside their home bureau. Closer ties to sister bureaus at a regional level also makes it more realistic for our employees to consider career advancement opportunities in a sister bureau. Our goals are both aggressive and attainable. We will increase the efficiency, effectiveness, and accountability of how the Department serves our internal and external stakeholders while reducing confusion, risk, and duplication.

The Department's unified regions are rooted in science and focused on watersheds and ecosystems. To get to the final boundaries, the Department held discussions with senior leaders in the Department and the bureaus, and we engaged our field employees, tribes, states, environmental groups, and our many other partners and stakeholders. We hosted 8 listening sessions for our employees to provide forums for them to hear from, and talk directly to, Departmental officials about the reorganization and proposed regional boundaries.

We conducted extensive tribal consultation, both formal and informal. These conversations included 11 formal consultation sessions and an additional 7 listening sessions at tribal offices and facilities, large gatherings, and other venues. We posted transcripts of all 18 sessions we conducted. In addition, 32 individuals or groups submitted comments in response to the tribal listening sessions. The feedback gathered from the tribal consultation s revealed a preference for the bureaus serving Indian Country to retain their current structure rather than becoming part of the unified regions. We respected that feedback, and as a result, the Bureau of Indian Affairs, the Bureau of Indian Education, and the Office of the Special Trustee for American Indians have not realigned their regional field structure to the new unified regions.

Over a period of almost 2 years, Department of the Interior officials also met repeatedly with a wide variety of constituents, including state, local and tribal government elected and appointed officials; Congress; organizations such as the Western Governors' Association and the Missouri River Basin Interagency Roundtable; nonprofit groups; and bureau-specific cooperating organizations such as the National Parks Conservation Association.

On May 16, 2018, then-Secretary Zinke hosted a Conservation Roundtable the purpose of which was to engage in robust conversation about reorganization, among other shared priorities, with non-government conservation organizations. Participants at the roundtable represented such organizations as the Association of Fish and Wildlife Agencies, the National Audubon Society, the Congressional Sportsmen's Foundation, Delta Waterfowl, The Nature Conservancy, Pheasants Forever, and the Teddy Roosevelt Conservation Partnership.

We also established a Reorganization Website and posted the unified region maps, answers to "frequently asked questions," and status updates of the reorganization effort. This website is still active and provides two ways of submitting a question, comment or suggestion to the Department about the reorganization. We respond individually to all questions and comments received. We listened to everyone who provided input, and that input helped to shape the Department's ultimate reorganization decisions on the unified regions in the summer of 2018.

Accomplishments to date include the following: after working closely with stakeholders and Congress, the unified regions map was finalized on August 22, 2018. Based on feedback from state governors, state boundaries were generally followed for the unified region boundaries with three exceptions where there were over-riding water resource issues that justified a deviation from the norm (along the Arizona-Nevada-California borders; the California-Oregon border; and the Montana-Idaho border). We also made a commitment to governors that the roles of the Bureau of Land Management State Directors would continue. This month we revised our Departmental Manual for each of the affected bureaus to reflect the existence of the unified regions. Those revisions have been approved and are undergoing the final codification process.

After finalizing the unified regional map, we identified the current bureau career executive leaders in the 12 regions, asked them to form an executive committee in each unified region, and to select one of their peers as a Regional Facilitator. The Regional Facilitator temporarily serves as a central point of contact in the unified regions. The members of the 12 regional executive committees are responsible for sharing information and exploring how to work with each other more closely on programmatic and administrative support teams within their unified regions. The Regional Facilitators participate on regular calls among their group and their various regional teams; and weekly calls are scheduled to communicate with the Department.

We are currently exploring what the permanent role might be for an individual designated as an Interior Regional Director within a unified region. This person would have a role in convening his or her colleagues on the regional executive

committee and managing issues of mutual concern. It is worth pointing out that the role of Interior Regional Director would be established in such a way as to not disrupt existing bureau statutory authorities or impede communications between a regional bureau executive and the headquarters leadership of that bureau. In addition, we are currently examining how a provision in the Departmental Manual that dates back to the Carter administration and provides for the role of a Field Special Assistant might relate to what we have more recently envisioned as an Interior Regional Director.

With the unified regions in place, and Congress having appropriated \$17.5 million in Fiscal Year 2019 for the reorganization, we are now focused on how best to advance the management of the Department's vast and diverse responsibilities within the new regional structure. A wide variety of administrative tasks are necessary to fully operationalize the new regional boundaries, such as modifications to our financial management and property systems, and appropriately coding employee position descriptions to reflect their association with the new unified regions. These changes will take time, but will enable us to better plan, organize, manage, and report on activities on a multi-bureau basis for each unified region.

To better capitalize on shared administrative services, we will leverage three independent external assessments that examine the operating practices, especially the effectiveness and efficiencies, of three administrative functions: human resources management, acquisition of goods and services, and information technology management. We believe that the resulting administrative reforms will improve and make our internal administrative operations more cost-efficient, enabling us to better invest in the Department's citizen-facing services. By resolving duplicative and unnecessarily cumbersome administrative processes, our employees and the Department's customers will save precious time in completing routine administrative actions. We received final reports on the assessments of information technology and acquisitions, and are now beginning to implement priority recommendations. The human resources assessment will be complete in September.

In addition to improving internal and external communication and decision making through the unified regions, and reforming administrative operations to better serve the American public, there is a third dimension to our reorganization initiative. In order to better serve our customers and partners, we will move headquarters elements of two of our bureaus closer to the people affected by their decisions. Citizens always benefit when decisions are made by those who are most familiar with the issue at hand. This is why a key component of reorganization is moving elements of headquarters operations of two bureaus—the Bureau of Land Management and the U.S. Geological Survey—to the western United States, where the preponderance of these bureau assets are located and bureau dollars expended, to better serve our customers.

In 2019, we plan to relocate a very few headquarters elements of BLM and USGS to the West. Currently, we are actively exploring possible locations for a future headquarters location for BLM. We hope to make a decision on a city later this fiscal year. BLM plans to fill certain vacant headquarters positions and move a small number of employees to the West—approximately 40 vacant BLM positions or employees are likely to be relocated in FY 2019. This number represents approximately 10 percent of the BLM headquarters work force. BLM intends to ask employees to volunteer, rather than forcing people to move.

For its part, USGS' relocation is focused on the Denver, Colorado metropolitan area, where the bureau already has a significant presence and significant scientific partners in nearby universities. As a practical matter, the USGS FY 2019 funding for reorganization would not enable them to move many employees this year. In neither case have we made decisions that have committed ourselves legally or financially. As required by the Appropriations Committee, we will report on our plans prior to obligating the FY 2019 reorganization funding provided by Congress.

We are proceeding with reorganization deliberately and intentionally. It is important to note that improved citizen service is the driver behind our reorganization. While we have reasonable expectations that a number of our reorganization actions will demonstrate savings in dollars and cents, we hope the Committee will agree with us that faster and smarter decision making by the Department, and decisions that are more fully informed by local conditions on the ground represent very real value for the American people, even if it is difficult to quantify these benefits in a traditional cost-benefit analysis.

Bureaus and offices have already begun to work across organizational lines to identify ways to maximize the benefits of the new regions. The Regional Facilitators and their executive committees continue to identify best-practices for collaborative efforts, and specific needs for improving inter-operability across shared services and in the functional areas of collaborative conservation, recreation, and permitting.

These groups have found their collaborative meetings to be highly productive and informative.

As a result of these ongoing efforts, we are re-examining some of the Department's common business operations to leverage consistent best practices across Interior. In 2020, the budget requests \$27.6 million to continue implementing the reorganization with three areas of focus: Implementation of the Unified Regions (\$12.1 million), Relocation and Regional Stand Up (\$10.5 million) and Modernizing Interior's Business (\$5.0 million).

Through reorganization, the Department will be better positioned to serve our mission and address the needs of the American public. Regional bureau executives will be empowered to work directly with each other to proactively address common issues. Fewer decisions will be referred to Washington DC, and those that are referred to the Secretary will be more narrowly and clearly defined because of the prior inter-bureau coordination at the regional level. This joint approach to problem solving and increased coordination at lower levels of the organizational structure, grounded in common regions, will reduce timelines for decisions, allow senior executives to better focus their attention where it is most needed, and facilitate increased collaboration and information sharing across DOI bureaus.

Each unified region is unique, with varying levels of Interior staff, public interest, and types of resources to be managed. The unified regions will not be administered with a one-size-fits-all approach. Through increased shared servicing of information management and technology, procurement, and human resources functions across the Department, we will enhance the foundation for increased inter-bureau collaboration and coordination and better invest in our citizen-facing missions.

Increased standardization in our administrative business processes will allow the Department to work more efficiently and effectively. We will be better positioned to take advantage of economies of scale, our staff will have increased capacity to share knowledge and resources across bureaus, and we will reduce risks to the organization that are introduced through inconsistent policies for cybersecurity, purchasing, and human resource management.

The Department looks forward to working with this Committee to collectively enhance services to the American people. I am happy to take your questions at this time.

QUESTIONS SUBMITTED FOR THE RECORD TO THE HONORABLE SCOTT CAMERON,
PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR POLICY, MANAGEMENT AND BUDGET,
U.S. DEPARTMENT OF THE INTERIOR

Mr. Cameron did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.

Questions Submitted by Rep. Cox

Question 1. During the hearing, Mr. Cameron testified that DOI was preparing a response to this Committee's April 10, 2019 request for the document that was e-mailed to Denise Flanagan on September 12, 2017 and included as an attachment entitled "Agency Reform Plan-Final.9.12.17.pdf." Committee staff asked that this document be prioritized for production.

1a. When will DOI produce this document?

1b. How many political appointees are reviewing this document before you send it to me?

1c. Who are they and what are their titles?

1d. I would like a date by which leadership will send a new e-mail reversing this directive. Please provide a copy of that e-mail to my Committee staff the day it sent.

Questions Submitted by Rep. Grijalva

Question 1. During the hearing, Mr. Cameron was unable to answer questions related to an e-mail chain sent from career staff stating that documents to all Senators and me were directed to be bottlenecked through two political appointees handling nominations. I did not vote on Secretary Bernhardt's nomination. Please provide answers to the following:

1a. Why was I singled out?

1b. Which political appointee or appointees gave this direction?

Questions Submitted by Rep. Gosar

Question 1. What is the Interior Department doing to reorganize its geospatial activities, in light of the recent GAO reports, and enactment of the Geospatial Data Act? Specifically, are you familiar with the Battenberg Report and do you see any value in consolidating the dispirit surveying, mapping and geospatial activities across the Department?

Question 2. In 2005, Interior Secretary Gale Norton testified before the House Interior Appropriations Subcommittee, "The Department currently uses 26 different financial management systems and over 100 different property systems. Employees must enter procurement transactions multiple times in different systems so that the data are captured in real property inventories, financial systems, and acquisition systems. This fractured approach is both costly and burdensome to manage." What has changed in the last 14 years? What improvements have been implemented? Are there still over 100 different property systems? How has the Department reorganized, or how does it plan to reorganize, to eliminate this duplication? Today, with computer mapping and geographic information systems, or GIS, there is the ability to "map it once, use it many times." To what extent has that goal been reached with regard to property systems and a current, accurate, multipurpose land inventory or what are your plans to eliminate such duplication and lack of coordination?

Question 3. President Bush issued Executive Order 13327: Federal Real Property Asset Management on February 4, 2004. While that Executive Order exempted "national forest, national park, or national wildlife refuge purposes except for improvements on those lands," it did include Section 7, which stated: "Public Lands. In order to ensure that federally-owned lands, other than the real property covered by this order, are managed in the most effective and economic manner, the Departments of Agriculture and the Interior shall take such steps as are appropriate to improve their management of public lands and National Forest System lands and shall develop appropriate legislative proposals necessary to facilitate that result." What steps has the Departments of Agriculture and the Interior taken pursuant to Executive Order 13327, particularly with regard to an inventory of land owned by the Federal Government?

Question 4. Are public lands of BLM and National Forest System lands included in the Federal Real Property Profile, the database required by the Federal Assets Sale and Transfer Act (FASTA) of 2016, (P.L. 114-287) and the "Federal Property Management Reform Act" (P.L. 114-318)?

Question 5. Why is the Reorganization good for taxpayers and how will it improve efficiencies within the Department?

Question 6. What proposals have been developed by the Departments of Agriculture and the Interior, pursuant to Executive Order 13327, under the Bush, Obama or Trump administrations with regard to real property asset management on public lands and National Forest system lands generally, and with regard to an inventory of those lands in particular?

Question 7. Section 201 of the Federal Land Policy and Management Act (FLPMA) requires the BLM to maintain on a continuing basis an inventory of all public lands and their resources and other values. Section 202 of FLPMA requires BLM to rely on resource inventories in the development and revision of land use plans. Does BLM have a current, accurate inventory of all public lands? Is it one, consolidated inventory, or is a dispersed series of files and records? Is the inventory digital? Is it on the web? Does the public have access to this inventory? Is it searchable?

Mr. COX. Thank you so much, Mr. Cameron.
The Chair now recognizes Chairman Harold Frazier.

**STATEMENT OF HAROLD FRAZIER, CHAIRMAN, CHEYENNE
RIVER SIOUX TRIBE, EAGLE BUTTE, SOUTH DAKOTA**

Mr. FRAZIER. Thank you, Chairman. I am honored to be here today, and I thank you for allowing me the time to address you and your Committee.

When this reorganization happened, the tribes in the Great Plains area, and I am sure throughout the United States, were never properly consulted. When they came to the Great Plains region, we were given a picture of a map. That is all we were given. We weren't given any plans of the purpose of how or why this change is needed, or how it is going to benefit our people. It was never done. That is all we were given.

I have been in office going on my fourth term. And one of the things I have learned is that every reorganization on behalf of Indian people has never worked. I will give you an example: the Bureau of Indian Education.

They restructured, they created a new agency. But one of the things they didn't do is take all the functions from the BIA, or transfer any of them. And what that caused is no personnel at our schools. Right now at Cheyenne Eagle Butte High School, we haven't had a math teacher in 5 years.

I went to a meeting several weeks back and I was told that in February—or, no, this fall of 2018 the BIE has only filled 23 percent of positions. Today, they are at 43 percent, so we question that. Where is that money? If they were allocated 100 percent for salaries, where is that money? Is that money going to go to fund this reorganization? Is this money coming off the backs of our children, their future that is going to pay for this reorganization that will never benefit Indian people, or will never work?

We are always left behind as Indian people. We are not rocks. We are not trees. We are human beings. We live and breathe, just as every American in this country.

If there is going to be a reorganization, one of the things that I think would work is it should come from a grassroots level up. Instead, many times it comes from Washington, it comes down, and they have no idea, no clue of what is happening at the local level. And that is something that I think has always failed.

Today, we feel that we are being abandoned by the Federal Government. We have big issues of roads, no infrastructure. But yet the BIA or nobody is there to help us.

We just got through some flooding that damaged a lot of our roads on our reservation. One morning I got a call that we had to shut another road down. And I couldn't think of anybody to call, because everybody that I have talked to has never come through for us. So, we truly feel that we are abandoned today.

And, you know, we have treaties with the Federal Government. We are sovereigns. We need to be treated as such. Right now, we haven't had a permanent superintendent at our agency for the past 4 or 5 years. We rotate our area directors, so everything that is happening today is not working for our people. It is just a waste of time and money.

If there is truly going to be reorganization, then we truly, as Indian people, need to be consulted. We need to be involved because that is our lives. Our people's lives are at stake. We need to

know and dictate where our future is going to take us. A lot of times we are just ignored.

And like I mentioned earlier, when they come to Rapid City with this map, and it was my turn to talk, I walked by them and I faced the wall of the building and I talked to that wall, because that is the way we are treated by the BIA and by the Federal Government. We have no voice, we have nothing.

But yet we were here first. You know, this is our country. This is our home. From the beginning of time we have always lived in this country and will never leave. We have nowhere else to go.

Thank you for allowing me the time, and thank you for allowing me to be here.

[The prepared statement of Mr. Frazier follows:]

PREPARED STATEMENT OF HON. HAROLD C. FRAZIER, CHAIRMAN,
CHEYENNE RIVER SIOUX TRIBE

Good Morning. Chairman Grijalva, Ranking Member Bishop, and members of the Committee. My name is Harold Frazier. I am Chairman of the Cheyenne River Sioux Tribe of South Dakota. Our Tribe has approximately 21,000 tribal members. The Cheyenne River Indian Reservation in north-central South Dakota is approximately 2.8 million acres, 135 miles east to west and 65 miles north to south, and our territory is roughly the size of the state of Connecticut.

I also serve as Chairman of the Great Plains Tribal Chairmen's Association, a federally-recognized intertribal corporation, organized under Section 17 of the Indian Reorganization Act to advocate for our 16 Indian Nations and Tribes of the Great Plains Region.

Generally, our Indian Nations and Tribes have significant land bases, and even our smaller Tribes are large by nationwide standards. Our Great Plains Nations and Tribes operate BIE and tribal schools, IHS health clinics and hospitals, BIA and tribal police, fire and EMT services, tribal courts, cultural centers, general assistance, elderly nutrition, early childhood programs, economic development projects, utilities, water, sewer and sanitation programs. Our tribal governments work to ensure that our Indian lands and reservations serve our people as the permanent, livable homes envisioned in treaties.

THE INTERIOR REORGANIZATION IS DEEPLY FLAWED

Our treaties, statutes, executive orders, and Department regulations require consultation and coordination with Indian nations on issues that concern self-government, treaty rights, and the Federal trust responsibility. See Executive Order 13175 (2000); 25 CFR Part 900. Interior completely failed in its duty to consult Indian nations in an informed manner concerning the impacts on our most basic governmental services.

Interior came to our Indian Nations with an idea that was not thought through. To reorganize Interior, the Secretary started with the flawed premise that one Federal official is the same as another, regardless of qualifications, background, and training, regardless of the different Agency missions and operations. No plan was presented—just a “river basin” map, two or three Power Point slides, and slogans not backed up by facts. “Interior Regional Offices,” “100 year plan,” “streamline,” “efficiency” and “no RIF.”¹

In reality, it was a RIF: senior BIA staff have been encouraged to leave through extended details to remote locations.

Unlike other DOI areas, Indian Nations represent people. We cannot afford to have our lives and services disrupted to pursue a *Don Quixote* adventure. We need real answers for real issues. We need real world funding to improve our peoples' living conditions.

¹ The Department includes a number of different Bureaus and Agencies, which have diverse missions, including: Bureau of Indian Affairs (BIA), Bureau of Indian Education (BIE), Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (USFS), Bureau of Ocean Energy Management, Bureau of Reclamation, Bureau of Safety and Environmental Enforcement, National Park Service, Office of Surface Mining Reclamation and Enforcement, and U.S. Geological Survey.

THE SECRETARY DID NOT UNDERSTAND THE NEEDS OF INDIAN COUNTRY

When Secretary Zinke first came into office as the head of the Department of the Interior, he pledged to work with Indian Tribes as “equals.” He said, “sovereignty must mean something.” Yet, he compared Interior to the military and told us that we had too many senior people nearing retirement age. “We need more boots on the ground.”

The BIA’s senior executives were moved from post-to-post, region-to-region. Our Great Plains Regional Director went on detail to other BIA Regions twice, for 6-month stints. Then he was permanently assigned as the BIA Regional Director for another Region, and a BIA Area Director from outside our Region was temporarily assigned to the Great Plains for 6 months, and then sent back home. Our Great Plains Indian Nations still do not have a permanent BIA Regional Director.

For us, shifting the chairs throughout the Department was a waste of time. It meant lots of downtime, lost opportunities and failed decision making. Interior Headquarters in Washington called back authority from the existing BIA Regions concerning when to take Indian lands into trust and other issues—not a Regional approach. As a result, we can’t get a clear answer from the BIA, a focused effort, or resources for crucial concerns.

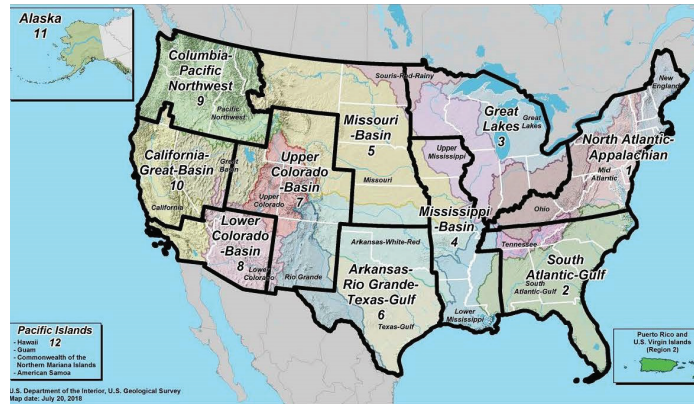
We were told in 2017 that Interior was going to reorganize “for the next 100 years.” The Secretary cited to the President’s Executive Order 13781, entitled “Comprehensive Plan for Reorganizing the Executive Branch.” The stated goal was to improve the efficiency, effectiveness, and accountability of the executive branch.”² Interior did not have a plan—how efficient is that? Interior said that the Department’s key functions were identified as: “recreation, conservation, and permitting.” That list does not pertain to Indian Country.

At GPTCA, we were very concerned that the Interior Reorganization process had been started with no real plan, no real dialogue with Indian Nations, and no understanding of the need for increased funding for the BIA, BIE and Office of Special Trustee. Interior Reorganization documents had been drafted without the input of the BIA, BIE and Office of Special Trustee. Interior did not address Indian issues and did not prioritize Indian people. Interior was determined to reorganize despite concerns. Against this background, it would have been irresponsible for us to participate. We said, No.

In August 2018, Interior announced that the new Interior Regions would apply to all of the Bureaus and Agencies, except BIA, BIE and Office of Special Trustee. We were told that if Indian Tribes “opted-out” of the Interior Reorganization, there would be no further need to consult with us on the Reorganization.

The Federal Times Reports that the Interior Reorganization plan “would assign efforts made by Department of the Interior bureaus—such as the National Park Service and U.S. Fish and Wildlife Service—into regions determined by watersheds, wildlife corridors, trail systems and state boundaries to better coordinate agency efforts on a local scale . . .” “[W]e will take actions to align DOI into the 12 unified regional boundaries. Bureau regional boundaries will transition from their current regional structures to participate in the new 12 unified regional boundaries,” wrote Interior Deputy Director of External Affairs Tim Williams. Jessie Bur, *Federal Times*, “Interior Finalizes Boundaries of 12 New Unified Regions,” August 29, 2018.

²With 9 Bureaus in 61 Regions, Interior sought to consolidate into 12 regions based upon watershed boundaries. By unifying the disparate agency regions, Interior sought to “streamline” and save resources. Each Interior Regional Director (IRD) would report directly to the Deputy Secretary, the focus was on recreation, permitting, and conservation, and each IRD position would rotate among the Bureaus and Agencies. So, for 2 out of 10 years, our BIA Regional Director would be as the IRD, if we participated in the Reorganization.



Later, Interior updated its proposal to include 13 regions organized to improve:

- Management of Ecosystems;
- Interagency interaction and customer service; and
- Share Interior’s “frame of reference” for all Department Executives.

CONCERNS ABOUT THE INTERIOR REORGANIZATION

We were asked to comment. From the Great Plains, our August 2018 comments were:

[The Reorganization] are goals for managing “rocks and trees,” and “watershed” basins may work for USFS (Fish), NPS (Parks), BOR (Water), and BLM (Land), but they do not work for Native Nations and Native Peoples.

Accordingly, GPTCA declines to support the DOI Reorganization as it is presently conceptualized. Although no formal plan has been laid out, the present concept for reorganization would subject Indian Nations to catch-all Regional USFS-NPS-BOR-BLM Offices with primary missions being recreation, conservation, and permitting. We are Native Peoples, not “trees and rocks.” We need a better approach. So, our Indian Nations call upon you to establish DOI-Indian Nation Roundtable Discussions, chaired by you and the White House, to discuss how to elevate, restore, fund and empower Native Nations in our government-to-government, Nation-to-Nation relationship with the United States . . .

To be sure, as Native Nations, we must be consulted concerning the reorganization of other Interior Agencies and Bureaus, but we must decline the Secretary’s Offer to be consolidated with these agencies.

We reject the concept of consolidating ASIA, BIA, BIE, OST and other Indian agencies under the umbrella of a unitary “rocks and trees” Regional Director.

NATION-TO-NATION CONSULTATION—Our treaties, acknowledge the sovereignty of our Indian Nations and Tribes as Nations vested with the power of war and peace. Through our treaties, we also secured our right to “permanent,” “livable” homelands, and the United States pledged to assist us with education, health care, and housing . . .

In light of these fundamental principles, the Secretary of the Interior should work on an entirely different process to promote Indian Self-Determination with our Native Nations—Elevate, Restore, Fund, and Empower our Indian Nations. The Secretary’s process with our Native Nations should be based on meaningful, informed Nation-to-Nation consultation and any proposed reorganization should be based upon our mutual consent to change—because that is required to respect Indian Sovereignty, Self-Determination, and Treaty Rights . . .

ELEVATE THE ASSISTANT SECRETARY-INDIAN AFFAIRS (“ASIA”) TO DEPUTY DEPARTMENT SECRETARY—The Secretary of the Interior should consult with our Indian Nations concerning the elevation of the ASIA to the level of the Deputy Secretary of the Department of the Interior for Indian

Affairs. The Deputy Secretary of the Department for Indian Affairs should work directly with the Secretary, the White House, and the Congress . . . There should be no changes or elimination of our BIA Regional Offices without our prior consent. We do not agree to a merger of our BIA Regional Offices into generic “rocks and trees” offices—our BIA offices, their authorities, and their staff must be available in the future for direct inclusion in Self-Determination contracting with our Indian Nations. In addition, the Secretary should re-establish the Office of American Indian Trust to ensure that the coordinate DOI Agencies operate consistently with our Treaty Rights and the Federal Trust Responsibility.

RESTORE INDIAN SELF-DETERMINATION, TREATY RIGHTS AND THE FEDERAL TRUST RESPONSIBILITY TO CORE DEPARTMENT MISSIONS—The Secretary of the Interior should work with our Indian Nations to enhance our Indian Self-Determination to provide the maximum latitude for Indian Self-Determination—the primary decisions in formulating our tribal government programs and services should be made by our Indian Nations and Tribes.

FUND THE DEPARTMENT'S TREATY AND TRUST RESPONSIBILITIES—Our Indian programs were formerly viewed as mandatory programs since they are required by treaty, but the Secretary of the Interior has allowed our Indian programs to be classified as “discretionary” spending, subjecting us to steep budget cuts under sequester rules. The Secretary should seek to restore Indian programs to “mandatory” spending status and to fully fund our unmet needs for services.

EMPOWER—Indian Nations should be respected as the primary government authority over our Native homelands—that is the self-government we reserved by treaty . . .

DOI-INDIAN NATIONS ROUNDTABLE DISCUSSIONS—To move forward to improve the Department of the Interior and its operations in Indian Country, the Secretary must work with the White House to convene DOI-Indian Nations Roundtable Discussions—which the White House and the Secretary must chair personally to make real progress. The elected leaders of all Indian Nations should be invited. The meeting should be a Nation-to-Nation dialogue with any decisions based upon mutual consent, and with real back and forth communication between the principals . . .

The Great Plains Tribal Chairmen’s Association did not receive a response.

ESTABLISH A NEW DEPUTY SECRETARY FOR INDIAN NATIONS

It is time for the Secretary of the Interior to fundamentally change—prioritize Native Nation issues by establishing a Deputy Secretary for Indian Nations. GPTCA adopted a Resolution to that effect:

BE IT FURTHER RESOLVED, that the GPTCA calls upon the Secretary of the Interior to stop the BIA Reorganization . . . [until] an agreement between the United States and our Indian Nations and Tribes has been reached concerning the importance of the following principles:

- Honoring our Treaty Rights, including our Right to Sovereignty, Self-Determination, and Self-Government;
- Our Nation-to-Nation Relationship with the United States;
- The Sanctity of our Indian trust lands and territory;
- Our Rights to Economic Freedom and Liberty;
- Federal Trust Responsibility Support for Inherent Rights to Sovereignty, Self-Determination, and Self-Government; and
- The need to prevent DOI, BIA, BLM, BOR, and National Parks Service interference with our Inherent Rights and Treaty Rights . . .

BE IT FURTHER RESOLVED, that GPTCA calls upon the Secretary of the Interior to establish a [new] co-equal . . . Deputy Secretary to oversee the BIA, BIE, OST, OJS and other Indian Affairs functions, and to re-establish the Office of American Indian Trust within the Office of the Secretary; and

BE IT FURTHER RESOLVED . . . the existing DOI Budget for Indian Affairs must be increased and GPTCA calls upon the Administration and Congress to fully fund our Indian Affairs budgets; and

BE IT FURTHER RESOLVED that the United States [must] . . . protect and promote the interests of Tribal Nations . . . as matters of paramount importance in any . . . Interior reorganization effort; and

From the Great Plains, we took our issues to the National Congress of American Indians, and NCAI passed a resolution, DEN 18-027, which provides in part:

“NCAI calls upon the Secretary of the Interior to establish the position of Deputy Secretary for Indian Affairs and to collect all of the Indian offices and Bureaus under the authority of the new Deputy Secretary . . .

See also DEN 18-022.

NCAI decries the so-called “Thursday Night Massacre,” when BIA Regional Directors were to remote locations around the country to work on issues or with Tribes that they had little familiarity with.” Many BIA Regions, including Great Plains, have been impeded for months with Acting Regional Directors who are unfamiliar with our issues and our Tribes.

NCAI concludes, “This reorganization threatens to diminish the authority of BIA Regional Directors within Interior’s overall structure and seeks to isolate the BIA from other agencies at Interior. This will, in turn, isolate and weaken the programs and services that those agencies provide Indian Country. NCAI reiterates our call to the Administration to halt the Interior and BIA reorganizations so it can assess their negative impacts on tribal communities, and then integrate *tribal* priorities into a revamped restructuring plan.”

As discussed above, Interior officially declared that the BIA, BIE and Office of the Special Trustee were exempt from the Reorganization, but there are many jobs open and there is an unwritten policy of attrition:

The Department has no plans to run a Reduction In Force (RIF). The reorganization is intended to facilitate inter-bureau coordination, training, and experience and will therefore enhance employees’ career development and provide job and advancement opportunities across bureaus. *As positions are vacated through voluntary retirements or moves to new roles, some of those positions may be filled in a different location.*

Interior website FAQs About the DOI Reorganization.

INTERIOR DID NOT CONSIDER INDIAN NATIONS AND DID NOT LISTEN TO CONGRESS

Interior did not consider Indian Nations or Native peoples when they formulated the plan. Indian Nations are not “land and water management.” As Indian Nations, we always have difficulty working across agencies because the other Interior Bureaus and Agencies do not understand Indian Tribes. Yet, when we told Interior we did not want to reorganize, Interior stopped consulting us on the Department Reorganization.

In 2016, Congress called for the creation of an Under Secretary for Indian Affairs to work across Bureau and Agency lines to promote interagency cooperation on Indian issues. Title III of Public Law 114-178, the Indian Trust Asset Reform Act (ITARA) provides:

- the Secretary of the Interior [may] establish an Under Secretary for Indian Affairs who is to report directly to the Secretary of the Interior and coordinate with the Office of the Special Trustee for American Indians (“OST”) to ensure an orderly transition of OST functions to an agency or bureau within Interior;
- Requires Interior to prepare a transition plan and timetable for how identified OST functions might be moved to other entities within the Department of the Interior;
- Requires appraisals and valuations of Indian trust property to be administered by a single administrative entity within Interior; and
- Requires Interior to establish minimum qualifications for individuals to prepare appraisals and valuations of Indian trust property and allow an appraisal or valuation by a qualified person to be considered final without being reviewed or approved by Interior.

Interior has not made any public move to implement this law.

THE BIA, BIE AND IHS DO NOT HONOR THE UNITED STATES’ TREATY OBLIGATIONS

The BIA has not honored the United States’ treaty responsibilities. For example, our 1868 Sioux Nation Treaty and the Act of March 2, 1889 provided that the

United States will maintain an Indian Agency at our Reservation. Yet, in 2011, during heavy rains, the BIA abandoned our joint BIA Agency–Tribal Government Building when black mold grew in the walls after BIA roof repairs failed. The BIA secured its own rental offices but made no plans to rehabilitate our BIA Agency–Tribal Government Building, leaving the Cheyenne River Sioux Tribe to search for our own office spaces. We are now located in condemned school dormitories and catch-all offices around Eagle Butte, South Dakota. Our Tribal Government is fragmented, services are interrupted. Today, our joint BIA Agency–Tribal Government Building, which was built in the 1960s when our Cheyenne River Sioux Tribe was “relocated” from rich bottom lands along the Missouri River to the high plains at Eagle Butte, South Dakota, remains an abandoned eye sore at the heart of our community—it stands as a monument to the BIA’s abandonment of the Federal trust responsibility.

The BIE has done away with our Agency Education Line Officer, leaving us with no reservation-wide Federal leadership on education. As a result, our joint BIE–Public High School, Cheyenne–Eagle Butte High School, has reached the end of its useful life after 60+ years of service, the BIE has not kept up on maintenance, so our school is not even ranked by the BIE for replacement. Our –20 degree below zero high plains winter weather blows into the school rooms through the cracks in the building. Our Cheyenne River students need the immediate replacement of our school, so they can concentrate on learning rather than bundling up to fight the cold throughout the school day.

The IHS is down-sizing. The IHS is in the process of decommissioning our Sioux San Hospital and replacing the Hospital with a Health Clinic. 20,000 Lakota–Nakota–Dakota people live in the Black Hills area, and Sioux San serves our Cheyenne River, Oglala and Rosebud Sioux Tribes with over 100,000 tribal members. We need decent health care, pre-natal, obstetrics, and post-natal care, surgery, therapy, good medicine—the same health care that the rest of America receives. Instead, we receive rationed health care, budget cuts as our service population grows far faster than the United States as a whole. Native American peoples and Tribes are growing. We have a strong future, and we need the United States to honor its treaty promises to provide education, health care, and other services.

Our infrastructure is crumbling. The Army Corps of Engineers continues to operate the Oahe Reservoir and Power Plant, generating over 2 billion kilowatt hours annually—enough to power over 250,000 homes. Yet, the Army Corps has not dredged Lake Oahe because the Corps allowed upstream mining operations to dump heavy metal and arsenic contaminated tailings into tributary rivers, polluting the Missouri River—our tribal drinking water source and the sole source of drinking water for thousands of neighboring farmers and ranchers. As a result, our rivers—the Moreau and the Cheyenne River and creeks are flooding, damaging communities and destroying roads, bridges and infrastructure. We need real help. Instead, BIA proposed 10 percent cuts for Indian programs. That’s an abdication of the Federal trust responsibility and pure neglect of our treaty rights, lands, waters and natural resources.

ORIGINAL SOVEREIGNS: INDIANS NATIONS, THE CONSTITUTION AND OUR TREATIES

The Creator made our Lakota People, bringing our spirits down from among the stars where we dwell with Wakan Tanka in the time before time. Our home is Dakota, the land of the Seven Council Fires of the Great Sioux Nation. Our Grandfathers and Grandmothers put their hearts and minds together to form our Nation for the general welfare of our People, and they exercised their inherent liberty in community to invest our Nation with sovereignty. For thousands of years before the coming of the United States of America, our Indian Nations and Tribes were independent sovereign Nations.

During the Revolutionary War, the United States sought allies. In 1778, the United States entered the first Indian treaty—the Treaty with the Delaware Nation, establishing a model of peace, friendship and Nation-to-Nation relations. The 1787 Northwest Ordinance pledged that “the utmost good faith shall be observed toward the Indians,” and Indian “liberty and property” shall never be invaded. With this background, the Constitution established Indian affairs as an area of Federal responsibility.

The Constitution of the United States acknowledges Indian Nations as prior sovereigns, with self-governing authority over our territory and our peoples in the Treaty and Supremacy Clauses. The Constitution’s Commerce Clause establishes government-to-government relations among the United States and Indian Nations. The Constitution’s Apportionment Clause and the 14th Amendment recognize that

Native citizens—“Indians not taxed”—owe original allegiance to our Indian Nations, participate in tribal self-government, and are subject to tribal jurisdiction.

In the 1803 Louisiana Purchase Treaty, the United States pledged to enter treaties with Indian Nations based upon “mutual consent.” In the 1805 Treaty with the Sioux, the United States came to Minnesota—where the water reflects the clouds—and America sought Sioux Nation recognition of Federal sovereign authority over two small squares of land, so the new Nation could build a fort, establish trade and commerce, and our Dakota People reserved their inherent rights to hunt and fish the land. The United States promised peace and friendship.

In the 1851 Treaty with the Sioux Nation, and others, the United States sought peace, friendship and safe passage across the respective territories of our Indian Nations. Our 1851 Treaty was recognized and our treaty rights and territory were affirmed by the 1854 Kansas-Nebraska Act and the 1860 Dakota Territory Act. In 1866–1868, as gold miners and the Army began to invade our country, Chief Red Cloud and our Lakota People fought the Powder River War to defend our territory and our way of life.

In the 1868 Treaty with the Sioux Nation, the United States sought peace and pledged its honor to keep the peace. For our part, the Sioux Nation reserved our original, inherent right to self-government, preserved and reserved our Sioux Nation territory as our “permanent” homeland, establishing that when our Lakota–Nakota–Dakota became U.S. citizens, we retained our treaty rights. As the Supreme Court recognized in *Ex Parte Crow Dog*, 109 U.S. 556, 568 (1883):

The pledge to secure to these people, with whom the United States was contracting as a distinct political body, an orderly government, by appropriate legislation thereafter to be framed and enacted, necessarily implies . . . that among the arts of civilized life, which it was the very purpose of all these arrangements to introduce and naturalize among them, was the highest and best of all—that of self-government, the regulation by themselves of their own domestic affairs, the maintenance of order and peace among their own members by the administration of their own laws and customs;

Thus, the Article VI reservation of “all rights” to Sioux Nation citizens means that as “Indians not taxed,” we, as citizens of the Sioux Nation and the United States, have all our rights to maintain our connection to tribal property, our land and our Nation free from Federal or state taxation.

We fought for our treaty protected lands and our inherent, inalienable rights to life, liberty and the pursuit of our traditional way of life. Sitting Bull, our Guardian of Freedom, said:

What law have I broken? Is it wrong for me to love my own? Is it wicked for me because my skin is red? Because I am Lakota? Because I was born where my father lived? Because I would die for my people and my country? God made me Lakota.

Acting on the orders of the Secretary’s BIA Agent, the BIA Police shot Sitting Bull in the back, and the Calvary chased his people from their homes.

Our People’s defender Crazy Horse said: “One does not sell the earth the people walk on . . . We preferred our own way of living, and we were no expense to the Government.” After the United States promised peace, he gave up his weapons and then the U.S. Army tried to take his freedom. When he refused to be jailed, two men held his arms and a soldier bayoneted Crazy Horse in the back.

Our 1868 Sioux Nation Treaty expressly preserves our original, inherent liberty and self-government, and the Treaty provides that our Lakota People retain all of our treaty rights when we become citizens of the United States, including the right:

- Self-Government;
- Education;
- Health Care;
- Agriculture;
- Economic Development;
- Hunting and Fishing;
- Land, Natural Resources, and Waters, and
- Our Permanent Homeland.

We have always maintained our rights and we continue to maintain our rights today.

CONCLUSION

Whoever holds the office, the Secretary of the Interior should respect Indian Nations and Tribes as the original American sovereigns and understand that our Native peoples are working to make the Indian Self-Determination Policy a success. We are Native Peoples, not Rocks and Trees, or Oil and Gas Fields. Many of our Indian Nations are located on remote lands far from economic centers. Life is hard. Resources are scarce. We need a government-to-government partnership with the Federal Government to help us make our Indian lands, viable homelands.

Our Indian kids need a fair chance at education. At Cheyenne River, our High School has not had a math teacher for 5 years! We need a new, modernized school because our school is over 60 years old. It is worn out.

We need an Indian reservation road program that actually builds roads in Indian Country. We need repairs when our rivers flood. The BIA should step up. DOT should step up, and BIA should call on the Army Corps to step up.

When Congress considers national Infrastructure, remember Indian Country. We do not have a match for Federal funding because our Indian lands are located in the Nation's poorest counties. We need roads, schools, hospitals, administrative buildings, housing, economic development, nursing homes and community centers.

We need real solutions for real problems. We don't need Interior to waste \$60 million on Reorganization.

Mr. COX. Thank you, Chairman Frazier.
The Chair now recognizes Mr. Michael Bromwich.

**STATEMENT OF MICHAEL BROMWICH, FOUNDER AND
MANAGING PRINCIPAL, THE BROMWICH GROUP,
WASHINGTON, DC**

Mr. BROMWICH. Thank you, Mr. Chairman, Chairman Grijalva, and Ranking Member Gohmert.

I served in the Federal Government for a total of 14 years. Most recently, I served as the country's top offshore drilling regulator in the Department of the Interior, from June 2010 through late 2011. My testimony will focus on the first principles that should guide a significant government reorganization, and how they were applied to the reorganization we undertook at Interior following the oil spill.

First a bit of background. In late April 2010, the *Deepwater Horizon* rig was conducting exploratory drilling in the Macondo well in the Gulf of Mexico. The rig experienced a violent blowout that killed 11 people and injured many others. It was a human tragedy of major proportions, but also an enormous environmental tragedy.

In early June 2010, I was asked by President Obama to lead the agency responsible for the oversight of offshore drilling, at the time known as the Minerals Management Service, or MMS. We took immediate steps to modify the rules governing offshore drilling, but we also looked at whether the government's organizational structure for managing it was the right fit for the risks that it posed.

We ultimately concluded that it was not, but not before we developed a detailed understanding of the way the agency operated and the costs and benefits of changing that structure. The agency was responsible for three very different missions: collecting royalties and revenues for the offshore program; making balanced resource decisions; and developing and enforcing regulations governing offshore activities. These three missions conflicted with each other,

and the history of the agency demonstrated that revenue collection was emphasized at the expense of the other missions.

By the time I arrived at DOI 6 weeks after the initial explosion, discussions had already begun about reorganizing MMS to eliminate its structural conflicts. But I was given the discretion to decide whether or not to do it.

I don't take reorganizations lightly. I have a bias against them. They are disruptive, expensive, frustrating, and they tend to depress morale. They create uncertainty and divert resources. They frequently fail to achieve their objectives.

Reorganizations are too often undertaken for reasons of executive vanity. They are developed and implemented in haste, inadequately vetted, based on inadequate analysis and insufficient consultations with stakeholders, including the personnel responsible for implementing them. They are a way for a new executive or executive team to put their imprint on an organization, whether the changes make any sense or not. Those are bad reasons for undertaking a reorganization, but those are the reasons that many are undertaken.

In the case of MMS, we became convinced that a reorganization was necessary and appropriate, but only after careful study and consideration of less disruptive alternatives. I want to emphasize that when we began the process there was no preordained outcome. We did not decide on the reorganization that was ultimately implemented and then work backward to justify it. Instead, we undertook a detailed process, together with outside consultants who were experts in organizational diagnosis and reorganizations. We considered a number of less sweeping changes, including changes to staffing levels, enhanced training, and other organizational tweaks.

In the end, our analysis and discussions pointed to a broad reorganization, and my prepared statement goes into detail into the various steps we took during the process.

Throughout the process we were extraordinarily open about what we were doing. We were open with the agency's personnel, with DOI, with the Congress, and with the public. We spoke frequently about what we were doing and why we were doing it. The broad contours and most of the specifics of the reorganization were embraced by Members of Congress of both parties.

In the more than 7 years since the organization was completed, its wisdom has been demonstrated. I have just told in very abbreviated form the story of a rare species: a successful government reorganization. As I said at the outset, I know very few of the details of the proposed and far broader DOI organization that is the subject of this hearing, but I gather I am not alone, because the details of the reorganization have not been shared widely with agency personnel, the Congress, or the public, including local stakeholders, communities, and Native American tribes. That's a problem.

I am aware of no internal or external studies of any kind that have made the affirmative case for the proposed DOI reorganization. I am aware of no analyses or studies that have presented the anticipated benefits of the reorganization and balanced them against anticipated costs.

A number of questions should be asked about the proposed reorganizations, questions that I have detailed in my prepared

statement. Without addressing those issues, it is hard for me to see how DOI gets the internal and external buy-in necessary to achieve long-term benefits from the proposed reorganization.

Thank you very much for your time and attention, and I am happy to answer any of your questions.

[The prepared statement of Mr. Bromwich follows:]

PREPARED STATEMENT OF MICHAEL R. BROMWICH, MANAGING PRINCIPAL,
THE BROMWICH GROUP

Mr. Chairman, Ranking Member and members of the Committee, my name is Michael R. Bromwich. I served in the Federal Government for a total of 14 years, as a Federal prosecutor, special prosecutor and as the Inspector General for the Department of Justice. Most recently and most relevant to this hearing, my public sector career included serving as the country's top offshore drilling regulator in the Department of the Interior ("Interior," or "DOI") from June 2010 through late 2011.

Over the last 20 years, as both a lawyer and consultant, I have dealt extensively with organizations dealing with change and reform—both in the private sector, and with public agencies on the local, state, and Federal level. My views are based on that experience.

I appreciate the opportunity to be here today to address issues related to the Department of the Interior's proposed reorganization. There is little detailed information about the proposed DOI reorganization in the public domain—thus, the title of this hearing—and therefore my testimony will primarily address the principles, process, and implementation that should guide the thinking and actions of the personnel undertaking a significant government reorganization. We applied those principles to the important reorganization we undertook at Interior following the 2010 Gulf Oil Spill. I think that is a case study of a reorganization that was done the right way.

First, a bit of background familiar to most of you. In late April 2010, the *Deepwater Horizon* rig was conducting exploratory drilling in the Macondo well in the Gulf of Mexico. The rig experienced a violent blowout that killed 11 people working on the rig and injured many others. It was a human tragedy of major proportions. It was also an enormous environmental tragedy because the accident released more than 3 million barrels of oil into the Gulf over the course of nearly 90 days before the well was finally capped. Nine years later, the full extent of the environmental damage is still being determined through a broad range of scientific studies.

In early June 2010, I was asked by President Obama to help deal with the crisis caused by the oil spill and its aftermath, and to lead the agency responsible for the oversight of offshore drilling—at the time known as the Minerals Management Service, or MMS. The task was two-fold: to help the Administration deal with the immediate crisis and its after-effects, and to undertake efforts to reduce the risks of future explosions and spills.

To reduce those risks, we promptly adopted a set of tighter rules and requirements designed to raise the bar on safety for deepwater drilling, initially on an emergency and then on a permanent basis. But we also looked more broadly at whether the government's organizational structure for managing and regulating offshore drilling within DOI was well-suited to the challenges and risks posed by offshore drilling and production. We ultimately concluded that it was not, but not before we developed a detailed understanding of the way the agency operated, and the costs and benefits of changing that structure. We also had to deal with the fact that through no fault of its personnel, the agency was a victim of lost credibility because of mission confusion, structural conflicts of interest, a shortage of resources, and a misallocation of those resources.

We were not discovering a new problem—the same structures had been in place for almost 30 years—but the spill focused long overdue attention on the relationship between agency structure and agency mission. Since its creation in 1982, MMS had been responsible for three related but distinct aspects of offshore exploration and production. First, it was responsible for collecting royalties and revenues for the offshore program, including from lease sales and oil and gas production. Second, it was responsible for making balanced resource decisions concerning where, when, and to what extent offshore regions should be available for exploration and production by oil and gas companies. Third, MMS was responsible for developing appropriate regulations governing offshore activity and enforcing those regulations to ensure that such operations were conducted as safely and responsibly as possible.

On paper, these three missions had the potential to be in conflict—and in fact they were. Over time, the assessment and collection of money from lease sales and oil and gas production drove the priorities of the agency. The Federal Government's appetite for revenues and royalties shaped decisions that were consistently pro-exploration and production. Little time and attention were devoted to developing appropriate regulations that kept pace with technological developments in offshore drilling. And even less attention was devoted to enforcing those regulations and holding companies and individuals accountable for violations.

When the President's Oil Spill Commission interviewed the former directors of MMS following the 2010 spill, they were asked to identify their top priority when they managed MMS. Across MMS directors from administrations of both parties, their consistent answer: to maximize revenue for the Federal Treasury. Nor was that surprising, because offshore activity generated massive sums of revenue for the Federal Government—in many years second only to the individual income tax. But the priority given to generating revenue meant a bias in favor of development over environmental protection, and the virtual neglect of the agency's regulatory and enforcement functions.

In the wake of the spill, the structure of MMS immediately began to receive the scrutiny that it deserved. The blame for *Deepwater Horizon* fell squarely on the shoulders of three companies who collaborated on drilling the Macondo well. Even so, leaders in the Administration, Congress, and industry began discussing ways to strengthen the ability of the Federal Government to regulate offshore drilling. By the time I arrived at DOI 6 weeks after the initial explosion, discussions had already begun about the possibility of reorganizing MMS to eliminate its structural conflicts. Secretary Ken Salazar was on record as favoring a restructuring. Even so, I was given the discretion to decide, after my team's own review and analysis, whether to undertake a reorganization.

I do not take lightly reorganization proposals. Indeed, I have a bias against them. They are disruptive, expensive, frustrating—and tend to have an adverse effect on morale. They create uncertainty and divert resources from the mission. They frequently fail to achieve their objectives.

In my experience, reorganizations are too often undertaken for reasons of executive vanity. They are frequently developed and implemented in haste, inadequately vetted, based on inadequate analysis, and insufficient consultations with stakeholders, including the personnel who will be responsible for implementing them. Reorganizations are a way for a new executive or team of executives to put their immediate imprint on an organization, whether the changes make management and organizational sense or not.

Needless to say, those are bad reasons for undertaking a reorganization. Unfortunately, many reorganizations both in the public and private sectors are undertaken for such reasons. They are proposed and implemented to show energy, initiative and action—frequently in response to vague concerns about inefficiency, unresponsiveness, or failure to deliver expected services, but sometimes just so that a new executive or executive team can fly the banner of change. Without careful analysis of the problems being addressed, whether the solution of reorganization matches the problems that are being addressed, and how to mitigate the very real risk that the reorganization might make things worse, a reorganization can easily become a fool's errand and a destructive undertaking.

In the case of MMS, we became convinced that a reorganization was necessary and appropriate, but only after careful study and consideration of less-disruptive alternatives. Our goals were clear: we wanted to improve the agency's ability to appropriately balance the risks and benefits of offshore exploration and production—to make balanced offshore resource development decisions; to enforce existing regulations, and develop new regulations, based on risk management principles; and to continue to generate revenue for the U.S. Treasury. But we looked for ways to generate revenue without sacrificing the need to arrive at balanced resource development decisions, and without starving the regulatory and enforcement missions of the agency, which had been the case in the past.

I want to emphasize that when we began the process there was no pre-ordained outcome. We did not decide on the reorganization that was ultimately implemented and then work backward to justify it. Instead, we undertook a detailed fact-gathering and analytic process, together with outside consultants who were experts in organizational diagnosis and reorganizations. Because I was aware of the potential destructive impact on operations and organizational morale of a broad reorganization, we considered a number of less sweeping changes, including changes to staffing levels, training, and other organizational tweaks. We also examined closely the offshore regulatory regimes of other nations, including those of the United

Kingdom and Norway, which underwent similar organizational reforms following their own offshore accidents, to see what we could learn from their experiences.

Though we had no pre-determined destination, our analysis and consultation in the end pointed to a broad reorganization. However, we did not arrive at this decision until we had taken a number of important steps, including comprehensive fact-gathering and data collection, deep engagement with agency personnel, and extended qualitative and quantitative analysis. Only after those steps were completed did we conclude that we needed to fully separate the revenue collection, resource development, and regulatory and enforcement functions into three separate entities—ONRR, BOEM, and BSEE.

The initial phase of our work, which lasted approximately 3 months, focused on extensive engagement with all agency personnel to obtain broad information and feedback. Together with our outside consultants, we visited the agency's field locations on multiple occasions, conducted extensive discussions with agency personnel, and collected and analyzed agency data.

The second phase, which similarly took approximately 3 months, focused on developing strategic and organizational alternatives, soliciting responses and feedback from agency personnel, and conducting numerous working sessions that focused on those alternatives.

The third phase, which also took several months, centered on developing a final reorganization plan. That included obtaining sign-off from within the agency and more broadly from within DOI. It also included socializing the proposed reorganization with the field, so that field personnel knew the specifics of the plan, could contribute suggestions as the plan was being finalized, and would more readily accept the changes that were ultimately agreed upon.

Throughout this process, we were extraordinarily open about what we were doing. We were open with the agency's personnel, with DOI, with the Congress, and with the public. We spoke frequently about what we were doing and why we were doing it. We consistently engaged with internal and external stakeholders—for example, I personally spoke with industry groups and testified about the specifics of the agency's reorganization plans multiple times before this Committee and other congressional committees. That engagement process was key to the ultimate broad acceptance of the reorganization.

Let me focus briefly and more specifically on engagement with the personnel of the agency because in my judgment that is a key to the success or failure of a reorganization. From the outset, agency leadership and our outside consultants conducted in-person visits with the agency's field offices. We introduced our outside consultants, who returned to the field on numerous occasions. We openly discussed the purposes and goals of the organizational review. We met frequently with members of regional leadership, as well as line personnel, to better understand the nature of their roles, the challenges they faced, and the changes they believed would enhance their ability to perform their jobs.

As the prospect of change became more real, the anxieties of field and headquarters personnel increased. That was especially true for personnel in the field, especially in the Gulf where most of the agency's personnel were located. A combination of agency leadership and outside consultants made themselves available to answer questions and address concerns on a continuing basis. We provided reassurances that the reorganization was not a cover for people losing their jobs or increasing their workloads. Those open lines of communication contributed to the ultimate acceptance and buy-in by agency personnel. Even though the final decisions were being made in Washington, DC, we knew that we needed to fully involve personnel at all levels of the agency in the discussions about the shape of the new agencies at every stage of the process—and we did so.

We initially split off the revenue collection function, but it took more than a full year to complete the implementation and create BOEM and BSEE as separate, standalone agencies. Not everyone was pleased that we consulted so widely and that the process took so long. We dealt with some impatience, including from the White House, but we refused to accelerate the process. We knew the complexities we were dealing with, the interdependencies between the functions we were assigning to BOEM and BSEE, and the budgetary, personnel, and IT issues we needed to solve before we could launch the new agencies. We knew we only had one chance to get it right and we took the time that we needed. The costs of getting it wrong were simply too great. I was given the support to stick to the timetable we had very carefully developed.

The broad contours and most of the specifics of the reorganization were embraced by Members of Congress, and the President's Oil Spill Commission. I testified at hearings on the reorganization and on then-Chairman Doc Hastings' proposal to codify the reorganization, H.R. 2231, which he and the other members of this Committee who spoke to the issue agreed was necessary and appropriate. According to Chairman Hastings,

"In the wake of the *Deepwater Horizon* accident it became apparent that the structure of the regulatory agency charged with oversight of offshore energy production was inadequate. While the Department of the Interior has reorganized their offshore agencies, reforms need to be codified into law"

<https://naturalresources.house.gov/newsroom/documentsingle.aspx?DocumentID=269447>.

In the more than 7 years since the reorganization was completed, its wisdom has been demonstrated. The agencies function separately and independently, with their own distinct and separate missions. They are free of the conflicts and questions about independence and technical expertise that previously plagued MMS. They have established and maintained strong relationships with each other that have kept the processes of the two agencies operating effectively. Each agency has its own management that is able to maintain focus on that agency's mission and performance, and to advocate for its personnel and resources. Personnel within both agencies have clearer career paths and opportunities for professional development, which ultimately benefits the public.

I have just told, in abbreviated form, the story of a rare species—a successful government reorganization. As I said at the outset, I know very few of the details of the proposed and far broader DOI reorganization that is the subject of this hearing and has been in the works for some time. But I gather I am not alone in that regard because the details of the reorganization have not been shared widely—with agency personnel, the Congress or the public, including local stakeholders, communities, and Native American tribes.

Unlike the BOEM-BSEE reorganization, I am aware of no internal or external studies of any kind that have made the affirmative case for the proposed DOI reorganization. Despite the breadth of the proposed reorganization, and its far-reaching impact, this is only the second congressional hearing that has focused on it. Similarly, I am aware of no GAO analyses, white papers or studies that have presented the logic for—and detailed the anticipated benefits of—the reorganization and balanced them against anticipated costs.

A number of questions should be asked about the proposed reorganization:

- Have the costs and benefits of the reorganization—quantitative and qualitative—been identified, analyzed, and discussed?
- How will the reorganization improve the efficiency and performance of DOI component agencies, and of the agency as a whole?
- How will the delivery of services to the public be improved by the reorganization?
- With what frequency has DOI leadership spoken with agency personnel most directly affected by the reorganization?
- What mechanisms have been created to address agency personnel questions and concerns?
- How will DOI deal with the disruption, uncertainty, and adverse impact on agency morale that is inherent in reorganizations?
- What assurances have agency personnel been given that the reorganization is not another front in the war declared by the former secretary on career agency personnel?

Without specific discussion and analysis that addresses these issues—and that is shared broadly with stakeholders—it is hard for me to see how DOI gets the internal and external buy-in necessary to achieve long-term benefits from the proposed reorganization.

An ambitious reorganization of the kind that DOI has proposed must be based on detailed data collection and analysis, sustained consultation with affected internal and stakeholders, and broad sharing of information with the Congress and with the public. And for the reorganization to succeed, its architects must be willing to make changes and adjustments, and even reverse course, if proposed changes run into unanticipated obstacles, or simply don't make sense.

Based on the title of this hearing, and some of the correspondence I have reviewed between the Congress and DOI, many of these prerequisites for a successful reorganization have not been met. Unless that changes, the prospects for a successful reorganization on the scale that has been proposed are not rosy and it will likely fail to achieve its goals of better serving the American people.

Thank you for your time and attention. I am happy to answer your questions.

Mr. COX. Thank you, Mr. Bromwich. The Chair now recognizes Ms. Jamie Rappaport Clark.

**STATEMENT OF JAMIE CLARK, PRESIDENT AND CEO,
DEFENDERS OF WILDLIFE, WASHINGTON, DC**

Ms. CLARK. Thank you, Chairman Cox, Chairman Grijalva, and Ranking Member Gohmert, for inviting me to testify on this important topic.

With more than 20 years of service with the Federal Government, I have personal experience with reorganization initiatives and with leading mission-driven organizations. I believe the Administration's current effort to reorganize Department of the Interior distracts from its vitally important mission, wastes scarce fiscal and human resources, disrupts the essential and lawful functions of Interior bureaus, reduces staff capacity, and seriously undermines employee morale.

To succeed there must be clarity, not only on the problems posed by the existing structure, but how the proposal will measurably improve performance. Impacts to personnel and operations must be explicitly considered. Transparency and public engagement across all affected sectors is vitally important. The Administration has not satisfied these fundamental criteria. Their plan suffers from a lack of crucial details, transparency, accountability, and public engagement. They have never really described a compelling need for reorganization.

Consideration of critical questions about the scope, purpose, impacts, benefits, and risks of such a radical transformation have not been reconciled. In the absence of clear and compelling information, many critical questions still remain.

Will the Department involve the public, Congress, and stakeholders in its reorganization efforts? As the Department directs staff and resources away from mission critical activities, it is doing so without seeking legitimate input from affected constituencies.

Will reorganization undermine the authority and missions of Interior bureaus, agencies, and officials? A unified military command is fundamentally inappropriate for coordinating Interior bureaus. A distinct mission and responsibilities for each bureau are established by law. Those missions sometimes align, but sometimes diverge or even conflict. And that is by design. Certainly, bureaus can and should coordinate their actions better to achieve timely outcomes, but they cannot be legally subordinated to the control of a single unified regional directorship.

The Administration's proposal of 12 unified regions cut through watersheds, they cut through states, and even individual public lands units, confounding management and complicating relationships with partners. Overlaying new regions atop current agency

boundaries will fracture relationships developed with stakeholders over many years.

Although Interior touts the new regional overlay as a reduction in the total number of regions, it will actually require additional bureaucratic structure. It requires the creation of a new regional office and staff structures, for some bureaus by as much as 50 percent.

Is reorganization a vehicle to deliver the Administration's controversial policy agenda? Given this Administration's agenda of energy dominance on the public domain, and continuous attacks on our conservation laws and regulations, it is fair to question whether their purpose is to support their policy priorities and weaken the effectiveness of conservation programs, rather than to achieve objectives of efficiency and public service in carrying out the Interior Department's complex and multi-dimensional mission.

Will reorganization displace or reduce staff or distract department employees from their mission-critical duties? The Department's talented and dedicated career employees are their greatest asset. Supporting and investing in them is key to their mission success. Interior has not only rejected this principle, its actions repeatedly indicate a belief that public employees are liabilities, unnecessary bureaucracy, rather than essential to the Department's important mission and their success.

Will reorganization siphon critical resources needed to fulfill essential responsibilities for natural resources management and protection? At a time of shrinking appropriations for conservation, for science, for recreation, and other vital management programs at Interior, it is irresponsible to invest scarce resources into a process that will likely fail to improve government performance and provide a fair return to taxpayers.

The Department of the Interior does not need reorganizing. It needs leadership. After more than 2 years in office they should focus instead on filling vacant high-level positions, including the Directors of the Fish Wildlife Service, the Bureau of Land Management, the National Park Service, the Assistant Secretary for Fish, Wildlife and Parks, with qualified professionals, and addressing the critical conservation and resource management challenges we face today.

We respectfully urge Congress to suspend this damaging effort. Pushing forward with this will be the detriment of the Department, our natural resources, and the Nation. Thank you.

[The prepared statement of Ms. Clark follows:]

PREPARED STATEMENT OF JAMIE RAPPAPORT CLARK, PRESIDENT AND CEO,
DEFENDERS OF WILDLIFE

Thank you, Chairman Cox, Ranking Member Gohmert, and members of the Subcommittee for inviting me to testify on the Administration's efforts to reorganize the Department of the Interior ("Department" or "Interior").

As a national organization dedicated to the conservation and restoration of native species of wildlife and plants and their habitats, Defenders of Wildlife shares a common interest with the Department in the protection and proper management of America's public lands, waters and wildlife, and we are committed to working with this administration, Congress and all stakeholders to achieve this goal.

With more than 20 years of service with the Federal Government, including the National Guard Bureau, the Department of the Army and U.S. Fish and Wildlife

Service, culminating as Director of the U.S. Fish and Wildlife Service, I also have personal experience with reorganization initiatives.

The Administration's current reorganization effort is at best a distraction from the Department's vitally important mission and a waste of increasingly dwindling resources. At its worst, the proposal threatens to disrupt the essential functions of Interior bureaus and agencies while distracting staff and seriously undermining morale. Our questions about reorganization have only become more numerous with the dearth of information on the process and as more and more concern radiates from within the Department.

The agencies, bureaus, and programs administered by the Interior Department are profoundly important to conserving and managing the natural resources that define our Nation and the values we share. Three Interior agencies, the U.S. Fish and Wildlife Service (FWS), National Park Service (NPS), and Bureau of Land Management (BLM) steward vast areas of public lands and waters and manage fish, wildlife and plant species that touch the lives of every American and are an indispensable part of our Nation's natural heritage. Other bureaus bear vital responsibilities for water management, scientific programs, management of the Nation's minerals, and upholding trust responsibilities to tribes.

Improving the effectiveness, efficiency of operations and public responsiveness of Federal departments and agencies is always an appropriate goal for government. Defenders of Wildlife itself maintains a Center for Conservation Innovation whose mission is to identify and develop innovative ways to improve the performance of the Endangered Species Act and other conservation programs.

But restructuring Federal departments and processes is a daunting challenge that can pose serious risks of disruption to the ongoing and vital responsibilities of the government. To succeed, there must be clarity on not only the problems posed by the existing structure, but also how proposed reorganization will measurably improve performance. Problems and solutions must be evaluated in the light of the specific legal obligations and missions of the various affected bureaus and agencies. Impacts to personnel and operations must be explicitly considered. A realistic appraisal of benefits and costs, including unintended consequences, must be carefully evaluated prior to initiating action. Transparency and public engagement across all affected sectors are vitally important.

The Administration has not satisfied these fundamental criteria in pursuing its current proposal. To the contrary, this administration's reorganization plan for Interior has from the outset suffered from a lack of crucial details, transparency, accountability and public engagement. The recent change in leadership at the Secretarial level has only further muddled the goals and rationale for reorganization. This administration has never described a compelling need for reorganization, even as the current process continues to interfere with Interior bureaus and agencies achieving their missions and disrupt staff responsible for managing and conserving our natural resources. It appears as if an original sweeping decision was made to reorganize the Department for political reasons without even considering critical questions about the scope, purpose, impacts, benefits and risks of such a radical transformation.

In the absence of clear information on the nature and purposes of reorganization, many critical questions remain.

Will the Department involve the public, Congress and stakeholders in its reorganization effort?

The lack of information, outdated and conflicting reports, and failure to engage the public and Congress surrounding the proposed reorganization is remarkable and suggests that the Administration would prefer ambiguity and obscurity regarding the true purposes and impacts of the effort. Equally disturbing is that the Department's political leadership doesn't itself appear to understand the magnitude of their initiative well enough to articulate and defend it. Even as the Department seeks additional appropriations from Congress and directs more staff and resources away from mission critical activities to reorganization, it is doing so without updating and seeking input from affected constituencies. Notably, the House of Representatives Committee on Natural Resources requested basic information on reorganization from the Secretary of the Interior just this month and he has missed the deadline to respond. Previous attempts to reorganize and restructure Federal agencies have failed when leadership declined to engage the public in their plans or ignored input from constituencies they were appointed to serve.

Will reorganization undermine the authority and missions of Interior bureaus, agencies and officials?

Former Secretary of the Interior Zinke publicly advanced the idea of a unified regional command structure for the Department as part of the Administration's proposed reorganization. While it is not clear that Secretary Bernhardt fully embraces that concept, the scant information available indicates that, while Interior bureaus and agencies will continue for the most part to report to their own leadership, at least some decision-making authority will also be given over to new "Interior Regional Directors," each responsible for 1 of 12 "Unified Regions." That proposal raises serious concerns for the integrity of the Department's management.

The model of a unified military command is a fundamentally inappropriate structure for coordinating Department bureaus and agencies. Each bureau has a distinct mission and responsibilities established by law. Those missions sometimes align, but sometimes diverge or even conflict—and that is by design. The public lands systems administered by FWS, NPS and BLM each have distinct statutory missions, with management directed and constrained by the specific laws that govern each system. For example, balanced energy development may be appropriate on BLM's lands, but not the National Wildlife Refuge System or the National Park System. In addition, some of Interior's bureaus, such as FWS and the Bureau of Safety and Environmental Enforcement ("BSEE") exercise regulatory authority over the activities of other agencies to ensure protection of paramount values such as wildlife resources and public safety. The Department's existing structure provides public interest protections in the form of appropriate interagency checks and balances while promoting accountability and mitigating the risk of agency capture.

Certainly, agencies carrying out their individual responsibilities can and should coordinate actions to achieve timely outcomes for activities like permitting, but they cannot legally be subordinated to the control of a single unified regional directorship. Only FWS, for example, has legal authority to manage the National Wildlife Refuge System or enforce the Endangered Species Act and Migratory Bird Treaty Act; only the NPS has authority to manage our national parks; only BSEE can determine whether offshore drilling authorized by the Bureau of Ocean Energy Management complies with appropriate environmental and safety requirements. No other office or administrator of any other bureau can direct decisions reserved by law to these agencies. For these reasons, the concept of Interior Regional Directors may be both inappropriate and fundamentally unlawful.

A related proposal involves the creation of 12 uniform regional boundaries for the Department's bureaus and agencies, ostensibly to improve coordination and service for Interior's customers and the public. But this is another concept that recklessly misses the mark. First, the "unified" regions cut through watersheds, states and even individual public lands units, confounding management and complicating relationships with partners. As just one example, the Upper Mississippi National Wildlife Refuge would be divided between two regions, with one bank of the Mississippi River in Region 3 and the other in Region 4. To whom should the refuge manager report? Second, overlaying the new regions atop current agency geographic orientations would fracture the functional relationships that those offices have developed with states and stakeholders over many years.

Finally, these unified regions would actually require additional bureaucratic structure for some agencies. Although the Administration touts the new regional overlay as a reduction in the total number of regions now administered by Interior bureaus and agencies, the truth is that it expands the number of regions for each bureau by as much as 50 percent, requiring the creation of new regional offices and staff structures. The FWS, for example, is currently organized across eight regions; the reorganization proposal would require the agency to create four new offices to cover the Department's 12 "unified" regions (as well as requiring the existing regional offices to drastically realign their boundaries). Similarly, the NPS would also be required to expand its regional structure from 7 regions to 12 to cover the newly drawn "unified" regions. This is a remarkable and unjustifiable expansion in bureaucracy, and an utter violation of the principle that "form follows function," with an increasingly confusing and top-heavy bureaucratic structure shifting scarce resources away from actions on the ground and responding to stakeholder needs.

And, of course, the purportedly "unified" Departmental regions are in fact anything but unified. In the face of vigorous opposition from states fearing disruption of established working relationships, the Department decided a year ago that the BLM, the bureau that manages more of the Department's lands than any other, would not be part of the new regional structure, but rather would retain its current state offices. Similarly, hearing concern from tribes, the Department has withdrawn the Bureau of Indian Affairs and the Bureau of Indian Education from the new

“unified” structure. Stakeholders with business before the Department would now face a chaotic and confusing regional structure that would impede, not foster, sensible coordination among Interior’s bureaus and agencies. It is difficult to understand how this new regional structure could conceivably provide any benefit to outweigh its obvious costs.

Defenders of Wildlife does agree that agencies and bureaus involved in natural resource management and conservation should be attuned to ecological boundaries. For instance, we have long supported efforts such as Interior’s Landscape Conservation Cooperatives to coordinate conservation programs at a landscape level. Similarly, we supported BLM’s “Planning 2.0” regulatory initiative for its incorporation of landscape-scale concepts in land management planning. Neither of these initiatives compelled an upheaval of structure, reporting alignments or shifting of responsibilities; instead, they simply promoted coordinated conservation and land management. Yet this administration worked with congressional allies to undermine or scuttle these initiatives along with other ecologically mindful policies and programs.

Is reorganization a vehicle to deliver the Administration’s controversial policy agenda? Will it impede Interior bureaus and agencies from achieving outcomes in accordance with their missions and responsibilities that may not be a priority for this administration?

Given this administration’s natural resource management agenda, including the imposition of “energy dominance” on the public domain and attacks on our conservation laws and regulations, it is fair to question whether the purpose of reorganization is actually geared to support these policy ends, rather than to achieve objectives of efficiency and public service in carrying out the Department’s complex and multi-dimensional mission.

The Administration and the Department have vigorously pursued regulatory rollbacks and eliminated policies and programs that supported more effective, efficient natural resource management at landscape scales and across jurisdictional boundaries, belying their stated objective of improving land and resource management. These rollbacks include:

- Undoing carefully crafted, collaborative, balanced conservation planning, such as the Integrated Activity Plan for the National Petroleum Reserve-Alaska and the National Greater Sage-Grouse Conservation Strategy;
- Endorsing congressional efforts to reverse policies that required more effective, efficient management of public resources;
- Eliminating, revoking, or disbanding nearly two dozen policies, programs and collaborative efforts to address climate change across the country; and
- Proposing regulatory changes under the Endangered Species Act that will result in additional harm to listed species and significantly exacerbate their recovery.

At the same time, the Administration is prioritizing single uses of our public lands, waters and natural resources and devolving management authority to states, creating a patchwork of inconsistent and misdirected natural resource policies. Reorganization aimed at weakening the effectiveness of conservation programs and prioritizing narrow economic interests would be in line with the Administration’s agenda—and would have serious impacts on the conservation and restoration of fish and wildlife, essential habitats, irreplaceable historic and cultural resources, and other public values on more than a billion acres of Federal public lands and waters.

The Administration’s lack of congressionally confirmed leadership, reliance on “acting” officials, and proposed budget cuts further reflect disdain for effective government and beg the question of whether reorganization is more about “dismantling the administrative state” to better serve development interests than stewarding natural resources for the continuing and future benefit of all Americans.

Will reorganization displace or reduce staff and distract Department employees from their mission critical duties?

Its talented, driven and dedicated career employees are the Department’s greatest asset. Supporting and investing in these public servants is the key to the success of the Department’s mission. Unfortunately, this administration’s actions repeatedly indicate a belief that public employees are liabilities—“unnecessary bureaucracy”—rather than essential to the Department’s success. For example, in 2017, former Secretary of the Interior Zinke pledged to shrink the Department by 4,000 employees, or about 8 percent of the full-time staff, consistent with the Administration’s promise to slash agency budgets and the Federal work force. His widely touted

pledge was pursued with seemingly little understanding of the impacts on people or programs and even less justification and rationale for his decision.

The Administration also abruptly and without any stated purpose reassigned and transferred dozens of senior-level employees, sapping the effectiveness of these executives and their agencies and prompting some highly capable employees to retire. Affected career professional were caught by surprise, morale throughout the bureaus was undermined and external partners and stakeholders were left confused and frustrated. The Department's Inspector General later found that the Department had no plan or stated reason for the reassignments, had failed to consult with the affected employees, and had failed to gather the information required to make informed decisions about reassignment, leading a majority of the affected senior executives to conclude that the effort was political or punitive in nature.

It thus appears to be the prevailing opinion of this administration that public employees offer little value—unless, of course, they are serving resource extraction or other development interests, as evidenced during the partial government shutdown when oil and gas permitting continued while thousands of Federal employees with other important public responsibilities were sent home.

We are gravely concerned that reorganization of Interior will lead to further attempts to shrink the work force by encouraging attrition, buyouts and early retirements. As Professor Amanda Leiter of American University noted: “The process . . . makes clear that this administration has no real intention of improving Interior but instead hopes to destabilize the department and encourage staff departures.”¹ Rebuilding the Department's cadre of career employees will take even more time and more resources, all while mission critical programs and activities increasingly suffer and external stakeholders' frustration and disdain steadily increase.

The Administration has argued that the potential for employee disruption and impacts on staff morale would be alleviated by the imminent retirement of many of Interior's employees and their replacement with less experienced staff. If that proves true, the Department will suffer enormous loss of institutional experience and professional relationships essential to managing the Nation's natural resources and maintaining the Department's collaborative engagement with states, tribes, landowners and the public. Of course, it is just this sort of disrupting influence that may be driving reorganization—which may also involve relocating some unknown number of employees from Washington, DC, to elsewhere in the country. Current information is that entire divisions and programs within BLM and the U.S. Geological Survey may be transferred west with little justification and significant costs.

Will reorganization siphon critical resources needed to fulfill essential responsibilities for natural resource management and protection?

The Administration is seeking \$27.6 million for reorganization in FY 2020. Expenses to date have been paid from current agency budgets. At a time of shrinking appropriations for conservation, recreation and other vital management programs at Interior, it is irresponsible to invest scarce funding into a process that will likely fail to improve government performance and provide a fair return to taxpayers. Indeed, the reorganization has already siphoned critical capacity and resources from fundamental conservation and management functions across the Department and the impacts are causing challenges that may be difficult to overcome. Congress would not be advised to support Interior's present request for its proposed reorganization.

CONCLUSION

The proposed reorganization of the Department of the Interior raises profound and troubling questions. Its purposes and goals remain unclear, as does its actual scope. What does seem clear, however, is that it is likely to be a wasteful and disruptive distraction to Interior's bureaus and agencies and their dedicated employees, some of whom will face years of uncertainty about their professional careers and their personal lives. The Nation's lands, waters, and wildlife will be better served by focusing on the critical conservation and natural resource management challenges Interior faces today. We respectfully urge Congress to suspend this damaging effort.

¹Reorganizing the Administration of Public Lands: Zinke's Proposal to Revamp Interior Department. *The Environmental Forum*, May/June 2018: 50–57; available at www.eli.org/sites/default/files/tef/thedebate/TheDebateMay2018.pdf.

Pushing forward with this ill-considered, poorly communicated proposal will continue to interfere with Interior's ability to engage with critical management challenges, to the detriment of the Department, our natural resources and the Nation. It will take decades, and require fiscal resources the Federal budget is likely ill-prepared to support, to recover from the dislocation and disruption caused by this proposed reorganization.

Thank you for inviting me to testify at this important hearing. I look forward to working with the Subcommittee to support the Department of the Interior and its employees in achieving its critically important conservation mission. Our stewardship responsibility today and to future generations deserves no less.

Mr. COX. Thank you, everyone, for your valuable testimony. The Chair will now recognize Members for questions.

Under Committee Rule 3(d), each Member will be recognized for 5 minutes. With that, I would like to recognize myself for the first 5 minutes.

Mr. CAMERON, Chairman Grijalva and I asked for a single document, the only single document that I know exists that could resemble a comprehensive plan, because the Executive Order required it. We haven't gotten it, and I know it was completed. It was prepared for delivery. And I went to the trouble of locating it in your files for you just to make it as easy as possible. But somehow you can't seem to find it and get it to this Committee. Committee Staff has asked you to prioritize it for this hearing over other requests.

I can only conclude that some review process among political appointees is holding it up. What is the delay? I certainly hope you are not trying, I don't mean to say that you are hiding anything, but we have asked for this document, it has not been produced for this Committee, for this Congress, for public consumption.

Mr. CAMERON. Mr. Chairman, thank you for that question. I am aware of that specific request. And our Office of Congressional Relations is in the process of producing a response for the Committee.

I think it is worth pointing out that the document in question was actually a submission from Secretary Zinke to OMB. And as such, it didn't represent a final document in terms of representing the views of the White House.

Mr. COX. I am going to take it that is a commitment to providing the Committee with that document. Can you give us a date for that delivery?

Mr. CAMERON. Sir, I am not in a position at this point to promise you that we are going to give you the document. I will promise you that we will be responding to the letter, and I hope shortly.

Mr. COX. Thank you.

Chairman Fraser, is there any evidence at all—and I think you already testified to this remark, but I just want to hit the point again—that this reorganization improves services to federally recognized tribes?

Mr. FRAZIER. What was that?

Mr. COX. Is there any evidence that you have seen so far that the reorganization will improve services to federally recognized tribes?

Mr. FRAZIER. No. Like I mentioned, all we were given was a map. No other details were given to us, and I don't believe it is going to improve services to the tribe.

Mr. COX. Mr. Cameron, can you elaborate on that? There seems to be, just from what the Chairman is speaking to us about, no coordination, no notification, no conversation.

Mr. CAMERON. Mr. Chairman, I had an opportunity to have a conversation with the Assistant Secretary of Indian Affairs staff before I prepared for this hearing, and my understanding is that BIA held 11 formal tribal consultation meetings and an additional 7 listening sessions with tribal leaders around the country on the reorganization. Because we respect the sovereignty of Indian tribes, we were not willing to impose, if you will, the involvement of BIA and BIE in the reorganization effort on the tribes. And since the tribes have not been particularly enthusiastic about the notion of their bureaus being part of the reorganization, we, in fact, have not included them.

I would suggest that, to the extent there is improved coordination at a regional level with the other bureaus of the Department, that that would give Indian tribal leaders one-stop shopping, if you will, one regional director to talk to, as opposed to being passed along from the Fish and Wildlife Regional Director to the USGS Regional Director to the Bureau of Reclamation Regional Director.

Mr. COX. Chairman Frazier, any feedback with regard to that?

Mr. FRAZIER. Yes. You know what? The only time I recall them coming these past several years was to Rapid City, and then, like I mentioned, they only come one time with a map. I never saw any documentation that there were other consultation hearings or anything like that.

Most of the time what I have seen is just the decision making—because nobody is in a permanent position, they are all in an acting capacity, and a lot of our questions are, their decisions are never made. I mean we have to chase it, and all the way up here to Washington sometimes.

Mr. COX. There is the point there, as I am sure you can see, Mr. Cameron, that one of the key stakeholders just feels excluded from the process, regardless of the hearings that you have had or the meetings that you have had. The point is not getting across to the people that we need to be talking to.

So, I certainly hope that the feedback from these meetings, the notes, the agenda, are going to be made part of this plan and integrated with the plans moving forward.

I am out of time, so the Chair will recognize the Ranking Member for 5 minutes.

Mr. GOHMERT. Thank you, Mr. Chairman.

Mr. Cameron, with regard to the title of the hearing today, are there no road maps, no destinations, and no justification for DOI reorganization?

Mr. CAMERON. Thank you, Mr. Gohmert, for that question. I would suggest that, actually, we do have all aspects of that. Essentially, the reorganization has three parts: the unified region concept, which has already initially deployed, if you will; there is the notion of saving money to invest in Indian schools and other departmental services by pursuing shared services in our back

office administrative functions to get some efficiencies there; and the third prong is the notion of moving the headquarters elements of BLM and the USGS west to be closer to where the preponderance of those bureaus' activities are taking place.

And I would add that there is a precedent, the Bureau of Reclamation is largely headquartered in Denver right now.

Mr. GOHMERT. I appreciate that, and I think it will be tremendously helpful when Chairman Frazier doesn't have to chase things to Washington. He can go much more locally to have his input considered.

And even though, apparently, the 11 hearings and 7 additional listening sessions at tribal offices, gatherings, and other venues may have indicated a desire not to have reorganization, I would submit that BIA really does need some reorganization efforts.

In fact, hearings that we have had in this Committee since I have been here indicated that, for example, there was an attorney working for the Clinton administration that specifically chose to leave out a provision in a contract with an oil company for offshore drilling, which cost the Federal Government \$10 billion and inured to the benefit of people like British Petroleum. And that attorney that left out that provision then went to work for British Petroleum. We tried to subpoena that attorney, and were told, "Well, she doesn't work for the government, so we can't facilitate that." And then, not long after that, I found out she had now come back to work for the Obama administration.

We also know apparently Mr. Bromwich went to work for DOI a couple of months after the *Deepwater Horizon* blowout. Some of us recall that specifically, and we couldn't believe that DOI wasn't doing more to go after British Petroleum. And we found out in hearings here that they had nearly 800 egregious safety violations when Exxon or others had 1, 2, or so, like that. How were they ever allowed to keep going?

There were rumors of different bribes and things like that, and we were assured by the Obama BLM Director and others that the organization at that point was addressing all those issues and, in fact, they were very careful to make sure inspectors of offshore drilling that was under DOI—they sent two people out at a time to make sure that no bribes were going on because one would surely report the other if that occurred.

And shortly after it was disclosed at the hearing that, actually, the two people that were sent out, the last inspection of the *Deepwater Horizon*, were a father and son. The BLM Director didn't last long right after our hearing before being removed.

So, it appeared clear to me, regardless of what report you have internally, from an external perspective the DOI has been in as much need of reorganization of any group I have ever seen in my life. And from exposure to the Park Service, which seems to be more about the Park Service—same with Fish and Wildlife, there are too many people that work there that are more about themselves to the detriment of the public, not taking care of repairs.

We heard mention of shrinking budgets, yet we know the Land and Water Conservation Fund keeps growing and it keeps being used to acquire property, rather than keeping up with what we have.

So, I would submit, just based on what I have seen in the hearings over the years, we are deeply in need of reorganization. But with the Chairman I sure desire to see the final product as soon as we can get that, so that we can do proper oversight. I would encourage you to make that available, Mr. Cameron. Thank you.

Mr. COX. Thank you, Ranking Member Gohmert. And now I would like to recognize the gentleman from Arizona for 5 minutes.

Mr. GRIJALVA. Thank you, Mr. Chairman. Ms. Rappaport Clark, just a general question.

I was thinking if there was an instruction manual on how to fundamentally weaken an agency, this is what I think it would recommend: start by creating a crisis for key agencies, move them as far away from Congress as possible to minimize contact with appropriators and authorizers, undermine those relationships, separate them from the non-profit community that helps them make informed decisions, then make it clear to the work force that they are not valued, create a culture of fear to demand total loyalty, transfer them to jobs for which they have no qualifications or interest, send them to new parts of the country, uproot their families and lives, quietly close or gut programs throughout the agency, take away their decision-making authority and voice within the Department and put it in the hands of political appointees, cut them out of the loop so they don't even know what is happening in the areas they cover, and downgrade their performance ratings across the board claiming they could not possibly be good at their jobs.

Ms. Rappaport Clark, how do these attacks on workers following this manual, which I think is going on, affect our ability to protect endangered species, address climate change, or, for that matter, fulfill all the other legal mandates the DOI has?

Ms. CLARK. They don't, Mr. Chairman. It is incredibly destabilized. Focus is not on the task at hand. Employees are confused. Stakeholders are confused. Communication is not flowing, and there is a culture of fear in the Interior Department, clearly in the Fish and Wildlife Service, given the reckless nature of senior executive reassignments with no justification, with no information, with no conversation. Another round is expected to be coming.

This is an agency, I believe, in crisis, which diverts its talent, it diverts its responsibilities, it diverts its attention to addressing species extinction, land management needs, climate change, all of the water management, all of the very important natural resource values that that Department is trusted to oversee and take care of.

Mr. GRIJALVA. Thank you. Mr. Secretary, Mr. Cameron, when you were here just a few weeks ago I showed you this e-mail chain, which documents to all Senators and myself were directed to be bottlenecked through two political appointees who were handling nominations. You had a chance since to learn about that e-mail. Could you explain to me why I was singled out? I don't have a vote on the nomination of Bernhardt, didn't have a vote, and can you tell us the status? What information you have since we saw you last?

Mr. CAMERON. Mr. Chairman, I didn't know anything about that e-mail chain back then, when you first showed it to me, and I don't know anything more about it now. To the best of my knowledge,

no Member of the Congress has been singled out. We are trying to be very responsive. We produced tens of thousands of pages of documents over the last 2 years, sir, and——

Mr. GRIJALVA. Mr. Cameron, you are a smart guy. Everybody knows that. You should have anticipated this question, and that raises questions about obstruction. Why was one person singled out? I would like a date, and why then am I singled out?

The e-mail was sent by career staff. Which political appointee directed career staff to send that e-mail? And is the directive still in place? And when will it be rescinded?

Those are questions that demand answers, and we have to have them, as a Committee, not just for myself, but this can affect any member of this Committee, where they are singled out not to receive information. I think that whether it is one individual or not, it is a precedent that I think needs to be dealt with.

I repeat the same request we had the last time. I think it is vital information that we have. And when do you anticipate giving us that information?

Mr. CAMERON. Mr. Chairman, I can tell you that Secretary Bernhardt is very interested in having conversations with the Congress. I believe he has requested individual meetings with dozens of Members of Congress, in the process of trying to get those scheduled over the next several weeks. We are actively interested in engaging with the Congress, and I hope that you and the Secretary will have an opportunity to have a conversation.

Mr. GRIJALVA. That still doesn't answer the question. I yield back. Not at all.

Mr. COX. Thank you. The Chair now recognizes the gentleman from Utah.

Mr. BISHOP. Thank you, Mr. Chairman. I thank the witnesses for being here.

I assume that you will probably have to make sure that your testimony is in writing, since very few members of the Committee are actually here to hear you. We actually had 25 percent of the Committee in attendance until Mr. Gosar showed up. That percentage just jumped up to 37 percent. It is not a stellar performance by Congress by any means, but thank you all. I appreciate you doing that. Let me ask some questions.

Actually, I have heard some of the comments that have come out from our witnesses calling reorganization disruptive, expensive, and frustrating, which is also the verb or adjectives that can be used for the status quo. Right now it is disruptive, expensive, and frustrating, and much of the success—certain reorganizations, I think, have been inflated sometimes.

One of the witnesses said we had to chase this all the way up here to Washington, which is one of the problems we have with the Department of the Interior right now, which is why the reorganization was established or presented in the first place.

The Department of the Interior was established in 1848, and it came out of bringing programs from three different departments. At that particular time it was actually the fifth department that was established. And to say that it was done by design is really strange. It was done by happenstance. In fact, even the BLM today,

its job and mission is totally different than the reason for which it was created in the 1930s.

So, what we really need to do is take a step back and try to look at things and say how can we do something intelligent and rational in this particular approach. So, let me ask a couple of specific questions about the topic matter at hand.

Mr. Cameron, BIA, Bureau of Indian Education, and what is it—the Office of Special Trustee for American Indians, those are not part of any reorganization process that is being proposed, right?

Mr. CAMERON. That is correct, sir.

Mr. BISHOP. OK, so with that, I can still understand why Chairman Frazier would be frustrated with BIE. To illustrate, I think it shows the kind of disruption that we have in that entire process here in Washington. We have jurisdiction over BIA, as far as oversight is concerned, but not over BIE, which is in the Labor Committee. If you can figure out why that happens, and why that worked out, that is another question I always had.

I was very interested in Bureau of Indian Education issues, but they were not in the purview, necessarily, of our Committee—but not legally because of that, simply by tradition, which is one of the problems that Interior has over the decades that have been there, is things have been developed by tradition without legally thinking through them.

So, Chairman Frazier, I agree with what you are saying about problems with BIE. I hope we can solve it, which is also one of the reasons I hope Mr. Grijalva will simply schedule a hearing for a backlog bill because some of that money that is curated in our park maintenance backlog bill would also be extended in the House version to the Bureau of Indian Education. It is an important source of money to try to help change and reform that system.

Mr. Cameron, let me also ask you. In your written testimony, you talked about benefits of relocating the DOI from Washington, DC. Can you just simply explain some of the long-term savings that a relocation would actually realize?

Mr. CAMERON. Yes, Mr. Bishop. There are a number of types of savings.

For one thing, the rental cost in most cities in the West is a lot cheaper than in the main Interior building or in Washington, DC, generally.

Travel costs, travel time. Most of the airplane trips are from the East Coast to the West Coast. If we had the Geological Survey headquarters and BLM headquarters out West somewhere, there would be a lot more 1-hour plane trips instead of 4-hour plane trips.

Cost of living for our employees is a lot cheaper out West in most locations than it would be here. And there is a list of a dozen or so variables that we are looking at.

Mr. BISHOP. All right. Let's talk about something specific. If we actually did increase the effort on the local level to have better communications between all these different stovepipe agencies and divisions, can you tell me how that would possibly impact, let's say wildfire response, wildfire mitigation if we could coordinate with the Forest Service?

Mr. CAMERON. Yes, Mr. Chairman—Mr. Bishop.

Mr. BISHOP. I like that much better, too.

[Laughter.]

Mr. CAMERON. Typically, for most significant issues multiple bureaus are involved. And the traditional approach has been, if there are issues or conflicts between bureaus—

Mr. BISHOP. Mr. Cameron, you have 25 seconds to say it. Tell me.

Mr. CAMERON. OK. There will be closer coordination, tighter coordination at the regional level, less decisions kicked up to Washington.

Mr. BISHOP. Look, if you guys have not been conversing or talking to people—because I remember the first map, which was done along county lines. Now it is done along state lines. That came from conversations with the states. I wonder if you have not been communicating why was Mr. Cason out there—Ms. Sloan was out in my particular area—talking to people about it? We have had those conversations.

I am over—I yield back.

Mr. COX. Thank you. We will now recognize the gentleman from Arizona, Mr. Gosar, for 5 minutes.

Dr. GOSAR. Secretary Cameron, in what ways is the DOI's reorganization going to improve on-the-ground responses? I mean I can give you a number of ones from Arizona that we are looking at: Fish and Wildlife Service reaction in regards to Lake Havasu, and Forest Service is in part of it, but the RFP situation for large-scale landscape timber thinnings—tell me how it is going to act on the ground, the reorganization.

Mr. CAMERON. I can give you one good example that is relevant, especially, I think, to Arizona. I know that you and the Chairman of the Full Committee are both concerned about water resource issues in Arizona. Well, the invasive salt cedar, or tamarisk plant, causes major problems in riparian areas, in terms of depleting water supply. It goes through BLM land, it goes through Fish and Wildlife Service land, it goes through park land, it goes through state and private land, and it goes through Indian reservations. By increasing coordination at the regional level on a multi-bureau basis, we can make smarter decisions, we can allocate our resources more intelligently, and we can deliver better results for the American people.

That is just one example. Fire is another, forest management, water resource management in the Central Valley of California would be another.

Dr. GOSAR. Yes, I think the only drawback to your plan, though, was that if we were a part of California, from Arizona, we would ask that the headquarters be in Arizona so that California came to Arizona for that aspect. No pun intended.

[Laughter.]

Dr. GOSAR. Now, how would the regional directors interact?

Mr. CAMERON. The bureau regional directors would continue to have their traditional chain of command to Washington. We would not be attempting to change any statutory delegations for any of the bureaus, contrary to what my former colleague at Interior felt a few minutes ago.

But at the regional level we would have an Interior Regional Director who would be a coordinator in chief, convener in chief, to pull his or her peers together to deal with common issues so that, again, there is more decision making by career senior executives at the regional level, fewer issues kicked up to Washington. This has worked in California, for instance, where Paul Souza, the regional director of the Fish and Wildlife Service, is coordinating the activities of the Bureau of Reclamation and the U.S. Geological Survey.

It is great to have one person being able to convene all the bureaus with equities in an issue, rather than kicking things up to Washington for decisions 3,000 miles away.

Dr. GOSAR. Give me an oversight about accountability.

Part of the problem that we have had in Arizona on a number of issues has been lack of accountability. Tell me how that response time is going to change. And what are the steps of accountability?

Mr. CAMERON. We will be working on individual performance standards for the person who is charged with being an Interior Regional Director in each one of the regions, and there will be specific expectations in terms of what that person's scope is or is not, on a region-by-region basis. And they would be reporting to the Deputy Secretary in Washington.

So, we will have accountability, but we will not be cutting out the bureau directors and the assistant secretaries. The traditional chains of command would also apply.

Dr. GOSAR. I am going to be more specific. We had this debacle in Lake Havasu, where we had a regional director overstep his direction, a totally illegal action. Give me a response of how, under the new guidelines, we would have resolution based upon an egregious attempt to supersede the rules and regulatory state.

Mr. CAMERON. If there was a conflict between our bureaus, for instance at the regional level, the Interior Regional Director would be charged with pulling people together, defining the nature of the conflict, narrowing it to the extent it could be, clarifying issues that would then be rapidly elevated to the Secretary's office in Washington, rather than letting things fester. And we would identify, I think, problems sooner and get them elevated faster if they couldn't be resolved at the regional level.

Dr. GOSAR. End of the day, can't get resolution. How do we look at redirecting or putting somebody in a position for success, instead of failure?

Mr. CAMERON. One thing we can do is, by having the people who are making the decisions closer to the place where the decisions are going to have impact on the ground—and that is part of the rationale for moving BLM and USGS headquarters West, so you will have more informed headquarters people, as opposed to people who are located thousands of miles away and have never been on the ground in Maricopa County, for instance, or St. George, Utah.

Dr. GOSAR. Thank you, Assistant Secretary.

Mr. COX. Thank you so much. I will recognize myself again for another 5 minutes.

The questions that are being brought up naturally all go back to the same basic question—regarding the document. We have requested it, you have had 20 days to review the document, that should be more than enough time.

And, as you know, the deliberative process, it is not a legally defensible reason to deny Congress this document. Can you provide any type of legal justification whatsoever for withholding the plan?

Mr. CAMERON. Sir, for once I am glad I am not an attorney. I won't dare to go outside of my area of expertise, so I cannot provide that.

Mr. COX. Thanks so much. And just back to the general questions again.

Mr. Bromwich, any evidence at all that this reorganization strategy or plan is going to strengthen agency decision making?

Mr. BROMWICH. Well, if there is, we haven't seen it. And it is up to the agency to provide it.

I looked at the reorganization website that DOI sponsors. There has been nothing posted on it since November 1.

One of the key elements of a reorganization, if it is going to succeed, is to continue to push information out to all of the stakeholders who are affected by it, most particularly the employees in the agencies that are going to be affected. And you can read through everything that is on the DOI reorganization website in less than half an hour. And as I said, it hasn't been updated in 5 months since November 1.

So, you can't handle a reorganization that is a mystery shrouded in another mystery. You need to be open about it. You need to provide the details of what you're doing. You need to lay out the costs and benefits that will be accomplished through the reorganization. None of that has been done.

Mr. Cameron has done a very good job of talking in generalities, but they are only generalities. And without having the kind of analysis that undergirds a real and potentially successful reorganization, it is simply not going to work. If the reorganization that has been described by Mr. Cameron, and has previously been described by Secretary Zinke, were submitted to a board of directors of any major company in this country, it would be rejected flatly for lack of detail.

Mr. COX. Thank you. Ms. Rappaport Clark, is there any evidence at all that the reorganization will provide or improve protection for endangered species, or other natural resources?

Ms. CLARK. Mr. Chairman, I don't see it. And I will echo what Mr. Bromwich just said. It is disturbingly sparse in details. And the coordination at the regional level, the coordination at the field level actually does occur, so sending headquarters people to the West isn't going to enhance interagency coordination and collaboration and resource sharing. It will undermine, actually, bureau director coordination if half are in the West and half are in the East.

And at the end of the day, employees are confused, and important resources like endangered species, water, natural resources, lands are just a big confused mess. I don't see how it is organized in a way that will allow and support more efficient decision making or stakeholder engagement.

Mr. COX. Thank you so much. And Chairman Frazier, what do you think the Interior could do with the—there has been \$60 million spent so far. What you think the Interior could do with an extra \$60 million?

Mr. FRAZIER. Well, with all of the flooding going on, I can think of two roads on our reservation that could use it. I think BIA Route 12 and Route 7 could sure use \$60 million. I think we did an engineering report on one, and it was going to be over \$30 million, so we could better use that money on our reservations, and I am sure other tribes throughout can use them, too.

Mr. COX. Thanks so much. With that, I will yield back my time and now to Ranking Member Gohmert for 5 minutes.

Mr. GOHMERT. Thank you, Mr. Chairman.

And Chairman Frazier, I understood you to say that you didn't recall hearings and what not. But I can assure you the Committee would be very interested in any suggestions you or other Native Americans would have for suggestions about reorganization.

I am one that doesn't really care if there weren't a lot of internal proposals, especially from top people at DOI. I think it is a bureaucratic nightmare, and I think the treatment of Native Americans by BIA and others has not been what it should have been. So, please consider this as a chance to get information. If DOI is not interested, I know from Chairman Cox, we would both, and this Committee would be interested in any suggestions you have. So, please keep that in mind.

And with regard to the reorganization, Mr. Cameron, I know you are aware that in recent years, especially the last administration, but even going before that, the Department of the Interior has been plagued with harassment claims. And I am wondering what a reorganization would do to help address some of these. It is just far too widespread, the reports of workplace harassment.

Mr. CAMERON. Yes, thank you for that question, Mr. Gohmert.

Both under Secretary Zinke and now Secretary Bernhardt, there is considerable attention being paid on the part of the Department of workplace harassment issues. Totally unacceptable. The Department has a no-tolerance policy.

When he was Deputy Secretary, Secretary Bernhardt directed all the bureaus to come up with action plans that would deal with the harassment issue. And he held quarterly meetings with those bureaus to track what they were doing on the harassment plans.

I have personally participated in a series of site visits and meetings with employees to communicate the significance of the issue and the need to deal with it. So, we are going on all cylinders to try to fix these problems, Mr. Gohmert.

Mr. GOHMERT. Well, I figure any organization that has the kind of harassment claims that DOI has had needs reassessment and reorganization to try to avoid that. You also need reassignment of individuals, if they can't be fired. When I was in the Army, the threat was always you are going to end up on the island at the end of the Aleutian—just a small listening post. But if you can't fire them, they need to be reassigned if they are guilty of any type harassment and you are not able to fire them, but that ought to be part of any reorganization.

And I would also tell you, with regard to the Park Service, I was absolutely appalled, being the guy that opened the World War II Memorial, when barricades had been rented or purchased and put up in an open air memorial to do nothing but harass the Nation's veterans that put their lives on the line. And it was clear, I mean

whether it is Mount Vernon, where Federal Government only owned the parking lot, they did everything they could to make everybody's life miserable.

I was really proud of Iwo Jima veterans. When I got over to try to open that memorial for them, the bus of World War II veterans had already just run over and busted up the barricade. They said, "We didn't let the enemy keep us from getting to the top of Mount Suribachi, and we weren't going to let a little wooden barricade keep us from the memorial."

But that kind of harassment of the public in general—and everybody I talked to at the lowest levels of the Park Service had nothing to do with it. They loved working with people and trying to make things accommodating, but that came from high levels at the Park Service.

I was part of a Christian gathering, maybe 200,000. At the last minute, high up in the Park Service, they have one small opening, which forced people to stand in line for hours, and then they tried to close it down early because they didn't have enough water because they didn't anticipate the last-minute directive by the Park Service.

So, please keep in mind those kind of things as you look at the reorganization. I appreciate it.

Mr. CAMERON. Yes, sir, absolutely.

Mr. COX. We will recognize the gentleman from Arizona for 5 minutes.

Mr. GRIJALVA. Thank you. Mr. Cameron, in the testimony you said in response to the feedback that the agency received from tribes, that the Bureau of Indian Affairs, the Bureau of Indian Education, the Office of Special Trustee for American Indians would be left out of the reorganization.

I have a letter here from a BIA regional office telling tribal leaders in my own district that the Department is closing an office and consolidating the workload to another office.

We also heard from Chairman Frazier about the Great Plains lacking a permanent regional director after the last one was moved around several times.

We have the communications from the National Congress of American Indians to Mr. Bernhardt back in December that DOI "has not consulted with tribes regarding the overwhelming internal restructuring of BIA within the last 2 years. Much change has occurred within BIA, none of which was consulted on with tribes."

It doesn't sound to me like the tribes are getting their wish of being left out of the reorganization at this point. I have been hearing that that is happening throughout Interior. Mr. Cameron, will you commit to giving this Committee a list of programs and offices that have been closed, consolidated, or reduced in staff by more than 30 percent since January 20, 2017, so that we can have that information?

Since we don't have a plan, at least we know what the unspoken plan is at this point.

Mr. CAMERON. Chairman Grijalva, I will be happy to take that back and see if we can pull together that information.

I would point out that, in every administration going back to 1849, there are always internal changes that are being made. At

a micro-scale, offices are being opened, offices are being closed, staff or functions are being moved from one place to another. So, it shouldn't surprise anyone that something could be happening in BIA or BIE over a period of time, but it is unrelated to the broader reorganization activity of the Department.

I would also like to point out——

Mr. GRIJALVA. Oh, I will be surprised if we get that information promptly, to be honest with you, given the track record here. We don't have a plan. That is in some space that we can't have access to it, even though it is an Oversight Committee, even though it is our jurisdiction.

It seems to be a plan that is full of details after the fact. And even on this request about which was reduced by 30 percent, we will wait and see how the leadership in Interior responds to that.

Mr. Bromwich, I was going to ask about reorganization and the issue of how successful it can be or can't be. You pointed out some points. If a reorganization for the purposes of efficiency, better response to the public, better enforcement, and appreciation for the legal mandates that an agency might have, if that was a reorganization heading in that direction, for efficiency and response, how do you plan for that?

Mr. BROMWICH. You plan for it by identifying what the inefficiencies and problems are. You identify the problems, and then you figure out a way to solve them. You don't announce a global reorganization in response to vague concerns. Maybe a small number, maybe a large number of specific concerns if the reorganization is not designed to address them.

That is why you have to have an analysis of what the problems are. And if you are thinking of a reorganization, before you announce it you do that analysis. You publicize that analysis. You discuss the changes you are considering with the stakeholders, particularly your own employees who are going to be responsible for implementing it, and then you remain flexible in making adjustments to it, depending on the analysis that you do and the feedback that you get.

What seems to have happened here is people fell in love with a very ambitious reorganization plan without doing the very important, essential spade work to see what was necessary and how to accomplish it.

Mr. GRIJALVA. Would that fit the definition of a vanity plan?

Mr. BROMWICH. Would it fit the definition of what?

Mr. GRIJALVA. A vanity plan that you said earlier——

Mr. BROMWICH. Yes.

Mr. GRIJALVA. OK.

Mr. BROMWICH. Yes. You announce something with a big press release, a big set of statements, and then staff is left to fill in the details.

Mr. GRIJALVA. I yield back, Mr. Chairman.

Mr. COX. Thank you so much. We will now recognize the gentleman from Utah, Mr. Bishop.

Mr. BISHOP. Thank you. Mr. Grijalva, that is the way everything is done around here. It is a vanity plan staging——

Mr. GRIJALVA. I work out of humility, sir, humility.

Mr. BISHOP. Yes, right, OK.

Mr. Cameron, let's talk about some of that spade work that happens. What does SES mean?

Mr. CAMERON. Senior executive service.

Mr. BISHOP. And did you not have one of those SES—a 2-day conference with those people on this plan?

Mr. CAMERON. We did, sir. It was more than a year ago. We brought in all the regional—

Mr. BISHOP. Did they have recommendations?

Mr. CAMERON. We spent 2 days chatting with them, they gave us lots of ideas, and we modified our original conception of the plan based on their feedback.

Mr. BISHOP. So, you have implemented those types of things?

Mr. CAMERON. Yes, sir. We are in the process of implementing them.

Mr. BISHOP. And as you go and talk to interest groups, whatever they be, you have implemented those changes, the changes from the county lines to the state lines. Was that pushed by the states?

Mr. CAMERON. It was pushed by the Western Governors Association, in particular.

Mr. BISHOP. Look, I don't want to actually defend any bureaucracy in Washington, especially because the Department of the Interior, let's face it, if you were actually a business, you would have been bankrupt years ago.

But you have not just been silent on these issues. I am just looking at this. You already have provided 27,000 pages of documents in response to questions about Secretary Bernhardt's schedule. The Committee has received 19,982 pages from the DOI in response to inquiries on the Trump administration's revisions on national monuments. You provided the Committee with telephone records of the Bureau of Safety and Environmental Enforcement Director, requested by the Majority. DOI has provided a response letter to the Majority seeking information documents related to their proposed reforms and an FOIA request. Outstanding Committee requests currently being negotiated include scheduling transcripts, interviews with four members of Secretary Bernhardt's staff regarding calendars. You have been sending stuff up to us. It is not just a void that happens to be down here.

Are you planning on a third round? Unfortunately, I have a life outside of this Committee, so I am going to have to leave after this one. I will apologize for leaving you alone there.

But you are dealing with people. If government was producing widgets on an assembly line, you could give some kind of statistical data of what is or is not working. What you are dealing with right now are individuals, and how can you maximize the efficiency of those individuals, vis-à-vis the people that they are allegedly supposed to serve.

From my personal experiences in dealing in the West—and I live in one of those states that 60 percent of us, 60 percent of my state is controlled by you, you are the slum lords of Utah—it is easy to work with the local officials. They live in the community. They know the situations. They usually are the most creative.

And almost any time we have a problem, it is as those creations go up the food chain and end up in Washington. That is why we have the significant problem of how do we actually make

Washington understand what is happening a 4-hour plane ride away from what is going on.

So, the question is can you have good, decent people here in Washington make good, decent decisions? Of course, you can. Can you have good, decent people in the localities making good, decent decisions? Of course, you can. Can you have rotten officials in both places? Yes, and we have. The question is what would give the propensity of a better organization? How can people at some point actually know how they can get to a solution and talk to somebody who is making a decision?

Let's face it. I tell my constituents I have the greatest job in the world. You don't know what I do and you can't get a hold of me. And if you don't like the decisions our agencies do, what are you going to do, fly back to Washington and throw rocks at the window? It just doesn't happen.

If those decisions are going to be made closer to where the people are, the propensity will be those decisions will be more reflective of what their needs are, and there is an opportunity of getting some kind of feedback. It doesn't happen in the status quo. It hasn't happened in decades back here with the status quo.

So, this vision of what can happen is something that I certainly hope is going to be pursued. Because you are talking about how we can give services to people. Not responding to lawsuits, not responding to special interest groups, but how you can get response back to people, and how they can have their input.

Now, I would love to ask you some more questions on what you think you can do, like USGS going to Denver—why you want to be in Denver I don't know, but the USGS going back there—what the possibility would be there. But I only have 22 seconds. If you can say something in 15 seconds, go for it.

Mr. CAMERON. You are absolutely right, your analysis of the situation. And by having decision makers within a 1-hour plane ride instead of a 4-hour plane ride, you are going to have it easier for constituents to get the decision makers, and you are going to have people who are making the decisions who actually understand what is happening on the ground.

Mr. BISHOP. I don't want a 1-hour plane ride, I want to walk around the block to him.

I yield back.

Mr. COX. Thank you very much, Mr. Bishop. I will recognize myself for 5 minutes. And to continue along that same vein, I would like to just add that over 90 percent of Interior employees already work outside the DC region. So, in fact, what we kind of said before is this is really a solution in search of a problem.

But with regard to the unified regions, the question is why 12 regions? Secretary Zinke envisioned having Interior Regional Directors, or these IRDs in charge of each of these 12 regional unified regions. And in your testimony you said, "We're exploring what the permanent role might be for an individual designated as an Interior Regional Director."

You are proposing to stand up an entirely new layer of bureaucracy without knowing what the people working there will do all day or what their authority will be. Would that be a correct statement?

Mr. CAMERON. Mr. Chairman, so we are looking at—the focus would vary from region to region, because the issues in California are different from the issues in the Southeast or from the Great Lakes, or from the Northeast. So, the particular portfolio of an Interior Regional Director would vary, based on the needs of the area. California and Texas are very different.

Mr. COX. Thanks. And can you offer how these ideas will be selected? Will they be chosen by the Executive Resources Board, which is stacked with political appointees and run by Mr. Bernhardt?

And last year, I think the plan was for Mr. Bernhardt to have veto authority over decisions made by the IRB. Is that still the case?

Mr. CAMERON. Well, ultimately, the Secretary of the Interior is responsible for virtually every decision at the Department. So, the buck ultimately stops in the Secretary's office. If these are members of the senior executive service, which is the current plan, then by definition their selection would be approved by the Executive Resources Board.

And it is worth pointing out there are career civil servants on the Executive Resources Board.

I would also like to point out that since President Carter signed the Civil Service Reform Act in 1978, it has been policy that SES-ers should be rotating on a fairly regular basis. The OPM target is 15 percent a year, and that has rarely been realized.

Mr. COX. Thanks. And with respect to the plan for Mr. Bernhardt to veto authority over decisions made by the IRD, will that still be the case?

Mr. CAMERON. Well, as Secretary, ultimately he is responsible for all key decisions at the Department, as is the case now, and has been the case for 150 years. So, yes, the Secretary ultimately has the ability within the constraints of law to change decisions that are made lower in the organization.

Mr. COX. Thanks so much. And to each of the witnesses, is there anything else you would like to add? And we can start with Chairman Frazier.

Mr. FRAZIER. Thank you. One of the things—and I was just thinking back when we were talking about getting everybody back together, or how it would be easier for tribes—this past spring, when we were having flooding, USGS has a measuring station down along the Moreau River, where I live, in the community of Whitehorse, South Dakota.

One of the things is they came and they never did talk to us. And finally, one day we found out they were going down there to collect data, because we needed to be prepared in case there was more flooding going to happen. The only way that they talk to us is I had to send a tribal police officer down to tell him that I was wanting to get a report on what is going on.

So, even though a lot of these agencies do not communicate, do not consult with tribes—USGS, minerals—it seems like they don't have the experience to know issues of Indian tribes and Indian people. That is kind of a big issue, and it needs to be resolved, whether this reorganization happens or not. And this is the guy to do it, I guess. Thank you.

Mr. COX. Thank you.

Ms. Rappaport Clark?

Ms. CLARK. Thank you. I just have to say I think this is becoming more confusing.

There seems to be some suggestion that decisions only happen in Washington. And there are 70,000 employees at the Interior Department, many of which, as you mentioned, are in the West. And there are qualified refuge managers, park superintendents, state directors of the Bureau of Land Management, all of whom work very closely and collaboratively.

Are there conflicts from time to time? Yes. And I agree with Mr. Cameron that the buck does stop with the Secretary of the Interior. But moving and reorganizing to deal with undefined or ill-defined challenges, it seems to me to be really wrongheaded and reckless.

And the notion that senior executive service folks are supposed to be moved around might be true based on a President Carter-signed memo, but, clearly, the way that it has been handled by this Administration with surprise letters and no consultation—and the consultations that have occurred with the senior executives on this issue are lectures, not conversation.

There is a culture of fear now, Mr. Chairman. And folks are not sharing their concerns, their thoughts, their contributions for fear of what will happen when they raise their head and offer opinions. The employees of the Department are not in a good place. And this reorganization isn't helping it.

Mr. COX. Thank you so much. With that, I will recognize the gentlemen from Texas.

Mr. GOHMERT. Thank you, Chairman. Well, I want to follow up on the question for the process of relocating headquarters staff positions West.

Mr. Cameron, explain the process for relocating headquarters staff West.

Mr. CAMERON. Thank you, Mr. Gohmert. What we are doing is we are looking at—we are having conversations with the leadership of USGS and BLM on this topic. We are identifying geographic options. USGS seems to be honing in on the Denver Metropolitan Area. BLM less so. I think there are more places in play. We are having conversations with the General Services Administration about the availability of office space in various locations, about the cost of office rent in various locations.

We are—BLM, in particular, I think, is having conversations with headquarters staff about who might want to move West and who might want to go on a voluntary basis. It is sort of dependent upon the selection of a city. So, those conversations are ongoing.

Congress appropriated \$17.5 million in 2019. We only got that money around 2 months ago. So, I think it is unreasonable to think that we would have it all spent and clearly defined by now. Besides, we have an obligation to communicate with the appropriators on what our plans are for spending that money.

So, those are just some of the things. In terms of benefit cost analysis on the administrative functions, we have gotten a report from one consulting firm on information technology, a second one on our procurement function, a third one coming out this summer on human resource management. So, we think we will have lots of

intellectual fodder to make intelligent decisions to save money on back-office functions so we can have more dollars going to the front line.

Mr. GOHMERT. Well, what are some of the benefits you have seen from the Bureau of Reclamation moving West?

Mr. CAMERON. The vast majority of the headquarters operation for Reclamation has been in Denver for quite a few years. To Mr. Bishop's point earlier, it is just a lot easier for constituents to go to Denver from Utah or from Nevada or from Arizona or from Texas than to have to go all the way to Washington, DC if they have a problem.

Also, the people who are located in Denver are much more familiar with Western issues because they are much more likely to get out on the ground, to Mr. Bishop's point, as well. So, we think we have better decision making because we have elements of headquarters outside of Washington in the vicinity of the people who are actually being served by those missions of the Department, and we anticipate with BLM and USGS there will be similar advantages.

Mr. GOHMERT. Well, I know from confronting people that work for Department of the Interior around different places in the country, one the most common expressions you hear in response to our questions is, "That is above my pay grade, I don't know." So, it would be nice to have the people who are making those decisions at their pay grades out there closer to what is happening.

You mentioned previously that the Department of the Interior commissioned three external assessments examining human resources management. And that further makes a point—the USGS was mentioned a number of times in the hearing today. They were always considered the gold standard when it came to any type of measurement. And then we have had hearings in this room where we found out USGS had people that just commonly changed the actual measurements without any manner or means, no explanation for why they were routinely changed from what they factually were.

So, I can't help but think that if people—whether it is the 90 percent that are out in the field, if they have supervisors that are closer to them, that we will see better results and less misapplication.

Mr. CAMERON. I think you are absolutely right, Mr. Gohmert. Having senior management closer to on-the-ground activity is always going to produce closer supervision, better communications, and we hope, quite frankly, that more decisions will be made by solid regional leaders, career SES leaders, and fewer decisions will be kicked up to Washington, where the opportunity to make a mistake is perhaps higher, because a decision maker is remote and not as knowledgeable of local issues.

Mr. GOHMERT. OK, thank you, and I appreciate the Chairman having the hearing.

Mr. COX. Thank you so much. I want to thank all the witnesses again for being here today.

Reorganizations are time consuming and expensive efforts. As we have heard today, success depends on careful analysis and meaningful consultation with employees, Congress, states, tribes, and

local governments and other stakeholders. To date, Interior's reorganization has been done in the dark, without analysis and meaningful consultation. This Committee has yet to see any real information. As a result, the Department is failing in its responsibilities to this country's citizens, Native nations, and Native peoples. It is failing in its responsibilities to its employees, and is also failing in its responsibility to manage its resources for the Nation's future generations. And that is just unacceptable.

Secretary Bernhardt has an opportunity to course-correct. I hope he takes that opportunity.

I am going to ask unanimous consent to insert the following documents into the record: Defenders of Wildlife letter to Secretary Zinke dated May 29, 2018; Great Plains Tribal Chairmen's Association, Inc. letter dated August 20, 2013; the GAO report 18-427, "Government Reorganization: Key Questions to Assess Agency Reform Efforts."

The members of the Committee may have some additional questions for the witnesses, and we will ask you to respond to these in writing. Under Committee Rule 3(o), members of the Committee must submit witness questions within 3 business days following the hearing, and the hearing record will be held open for 10 business days for these responses.

If there is no further business, without objection, the Committee stands adjourned.

[Whereupon, at 11:40 a.m., the Subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

Submission for the Record by Rep. Cox

Testimony for the Record

**John Garder, Senior Director of Budget and Appropriations,
National Parks Conservation Association**

Since 1919, National Parks Conservation Association (NPCA) has been the leading voice of the American people in protecting and enhancing our National Park System. On behalf of our more than 1.3 million members and supporters nationwide, I write to express our deep concern with the administration's proposal to reorganize the Department of the Interior (DOI). Particularly for a proposal of such magnitude, the effort should offer much greater transparency to the American public and to lawmakers and should allow for authentic opportunities for stakeholder involvement. A year into the proposal after many hours of work by personnel who have other matters to which to attend, there remains massive confusion. Foremost, it remains unclear what exactly the purpose of the proposal is beyond vague talking points, what precisely are the problems to be solved, and how the expenditure of valuable taxpayer dollars would better serve our public lands, their stewardship and the American public.

Among our chief concerns is that the conservation mission of the National Park Service (NPS) could be undermined by the proposed DOI regional leads. The concept of Interior Regional Directors is worrisome for several reasons, chief among them that DOI staff could have authority over NPS regional directors. Line authority over those NPS career staff would be detrimental to the autonomy and integrity of NPS decision-making to meet its unique mandate to protect resources and provide for public enjoyment insofar that it can be consistent with that protective responsibility. Even without line authority, the involvement of DOI staff in the careful and science-based decision-making of NPS threatens confusion and compromises to NPS' mission.

We are also concerned about the lack of transparency in how FY 19 funds are being used and for what exactly valuable FY 20 funds would be used. Staff confusion and demoralization are additional threats posed by the proposal.

NPCA commends the committee's oversight of this important issue and supports your continuing work, and that of appropriators, in this regard. Absent any clarity from the administration on use of FY 19 and FY 20 funds and any clear, justifiable demonstration of the reasons for the reorganization, benchmarks, a timeline and realistic roadmap, and assurances that the effort would ultimately benefit our public lands and the Americans who own them, we urge the Congress to take appropriate and immediate measures to prevent DOI from engaging in this risky and dangerous effort.

Submission for the Record by Rep. Grijalva

Testimony for the Record

USET—United South and Eastern Tribes Sovereignty Protection Fund

The United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is pleased to provide the House Natural Resources Subcommittee on Oversight and Investigations with the following testimony for the record of its oversight hearing entitled, “No Road Map, No Destination, No Justification: The Implementation and Impacts of the Reorganization of the Department of the Interior.” USET SPF supports the House Natural Resources Committee in its exercise of oversight authority in the case of the Department of the Interior’s (DOI) proposed reorganization. Nearly a year and a half after its announcement, Indian Country continues to have more questions than answers from DOI on this massive undertaking. The near-complete lack of information provided to Tribal Nations is unacceptable, regardless of whether the Bureau of Indian Affairs (BIA) is included in the reorganization. We continue to urge DOI to provide clarity regarding reorganization logistics, purpose, and effects on Indian Country, and to consult with Tribal Nations on these details.

USET SPF is a non-profit, inter-tribal organization representing 27 federally recognized Tribal Nations from Texas across to Florida and up to Maine.¹ USET SPF is dedicated to enhancing the development of federally recognized Tribal Nations, to improving the capabilities of Tribal governments, and assisting USET SPF Member Tribal Nations in dealing effectively with public policy issues and in serving the broad needs of Indian people. This includes advocating for the full exercise of inherent Tribal sovereignty.

Failure to Meaningfully Consult

USET SPF is deeply opposed to the manner in which DOI has conducted itself as it pursues reorganization activities, and in the absence of nearly any specifics, to the reorganization itself. Indeed, DOI’s reorganization proposal has been developed with little clarity or transparency and without meaningful Tribal consultation. Despite publicized meetings with DOI officials and state and local governments on the development of the proposal, Tribal Nations were not engaged in this manner, notwithstanding trust and treaty obligations, and Tribal consultation was not initiated until May 17, 2018. Prior to and following the issuance of the DOI’s “Dear Tribal Leader” letter seeking input from Tribal Nations, USET SPF, along with Tribal Nations and organizations across the country, repeatedly sought answers (both formally and informally) to the myriad questions surrounding the proposal. To date, DOI has not responded. Rather, DOI officials decided that BIA would not

¹USET SPF member Tribal Nations include: Alabama-Coushatta Tribe of Texas (TX), Aroostook Band of Micmac Indians (ME), Catawba Indian Nation (SC), Cayuga Nation (NY), Chitimacha Tribe of Louisiana (LA), Coushatta Tribe of Louisiana (LA), Eastern Band of Cherokee Indians (NC), Houlton Band of Maliseet Indians (ME), Jena Band of Choctaw Indians (LA), Mashantucket Pequot Indian Tribe (CT), Mashpee Wampanoag Tribe (MA), Miccosukee Tribe of Indians of Florida (FL), Mississippi Band of Choctaw Indians (MS), Mohegan Tribe of Indians of Connecticut (CT), Narragansett Indian Tribe (RI), Oneida Indian Nation (NY), Pamunkey Indian Tribe (VA), Passamaquoddy Tribe at Indian Township (ME), Passamaquoddy Tribe at Pleasant Point (ME), Penobscot Indian Nation (ME), Poarch Band of Creek Indians (AL), Saint Regis Mohawk Tribe (NY), Seminole Tribe of Florida (FL), Seneca Nation of Indians (NY), Shinnecock Indian Nation (NY), Tunica-Biloxi Tribe of Louisiana (LA), and the Wampanoag Tribe of Gay Head (Aquinnah) (MA).

participate. At a November 2018 meeting of the Tribal Interior Budget Council, Assistant Secretary for Indian Affairs, Tara Sweeney, indicated that a “Dear Tribal Leader” letter (DTLL) regarding the reorganization and its impacts was forthcoming. Indian Country continues to await this clarifying letter.

Execution of Trust Obligations and Inherent Federal Functions Must be Protected

As DOI moves forward with its reorganization, the execution of the federal government’s trust responsibility and obligations must be paramount. These positions and agencies, and all inherent federal functions must be preserved. This includes ensuring that all DOI operating divisions and agencies are focused on upholding these duties. It is of deep concern that the current reorganization plan appears to be developed with the Department’s natural resources-related functions, and not its trust obligations, in mind. According to briefings we have received on the reorganization, the new, unified regions will each be overseen by a regional director whose charge will be the following priorities: conservation, recreation, and permitting. The trust responsibility and obligations are glaringly absent from this list.

In light of this, it remains unclear to USET SPF and others across Indian Country how DOI will prioritize the execution of the trust responsibility under the proposed model. Considering the list of priorities for the new regional directors, how will the reorganization affect the execution of the trust responsibility and obligations? How will each operating division and regional director prioritize the government-to-government relationship? To date, DOI has not provided satisfactory answers to these very basic questions.

Impacts Remain Unclear

In addition to a lack of clarity surrounding DOI’s sacred duty to Tribal Nations, the practical effects upon the BIA and other bureaus and functions also remain unclear. While representatives from DOI continue to state BIA will not participate in the reorganization, Indian Country has not been given any indication as to how BIA will or will not be affected, nor whether participation would have any benefit to Tribal Nations. How will BIA operate under the unified regional model? How will service delivery change? These unknowns do not allow for a position on BIA participation.

Further, DOI has yet to provide Indian Country or Congress with a cost-benefit analysis concerning the reorganization. Yet, DOI continues to request tens of millions of dollars for the reorganization, including nearly \$28 million for Fiscal Year 2020. As the reorganization moves forward, this number is likely to increase exponentially. It is not possible for Indian Country or Congress to understand the full ramifications of the reorganization without a full cost estimate, anticipated savings, and better articulated goals.

Need for Broader Consultation

While DOI’s attempt at consultation seems to have exclusively focused on whether BIA will participate in the reorganization, each agency and operating division within DOI shares in the trust responsibility and obligation to Tribal Nations. Indeed, Tribal Nations regularly interact with many of DOI’s other divisions, including the Bureau of Land Management, U.S. Fish and Wildlife, and the National Park Service. With this in mind, Tribal Nations must be consulted on the DOI reorganization as a whole, not merely BIA’s participation.

Changes and Restructuring in the Absence of Consultation

We are aware that a number of personnel and programmatic changes have been made without Tribal consultation and, in some cases, over the objections of Tribal Nations. While we understand that the Department is afforded the latitude to make employment decisions, Tribal Nations should be consulted as senior staff are reassigned—particularly at the regional level.

Similarly, we note the inclusion of the reorganization as “Strategy #1” in DOI’s FY 2018–2022 Strategic Plan, which appears to have been posted to DOI’s website on March 5, 2018. This Strategic Plan has also not received sufficient Tribal consultation. While a listening session was scheduled in the Eastern Region for August 2017, it was later canceled and never rescheduled. Nonetheless, the Plan states,

“The DOI intends to establish unified regional boundaries for its bureaus in 2018 and to further develop this approach in 2019. The goal is to improve overall operations, internal communications, customer service, and stakeholder engagement. Aligning geographic areas across the DOI will enhance coordination of resource decisions and policies and will simplify how citizens engage with the DOI.”

The contents of the Strategic Plan appear to be in conflict with DOI’s commitment to ensure Indian Country chooses whether to participate in the reorganization, as well as page 11 of the document, which includes, “effectively consulting with Tribal governments.”

Importance of the Eastern Region Office

Historically, as part of past reorganization/restructuring efforts, USET SPF member Tribal Nations have consistently had to fight to protect the BIA Eastern Region Office. We are adamantly opposed to any effort to eliminate this office. Previous efforts to fulfill Eastern Region trust obligations through other BIA regional offices have failed and proven that Eastern Region Tribal Nation interests are secondary to the interests of the Tribal Nations within those regions tasked with providing contracted services. While our most recent discussions with DOI indicate that the Eastern Region Office would be preserved, its ongoing relationship with both DOI headquarters and the new, unified regional offices has not been articulated.

Any Changes must Promote Improved Execution of Trust Obligations

USET SPF member Tribal Nations acknowledge that there may unnecessary levels of bureaucracy and redundancies at DOI and this belief is consistent with our organizational effort to modernize the trust relationship. However, any eliminations or changes must be accomplished with the intent to (1) achieve more timely and seamless execution of federal trust obligations, and (2) promote greater Tribal Nation self-determination.

The current trust model is broken and based on faulty and antiquated assumptions from the 19th Century that Indian people were incompetent to handle their own affairs and that Tribal Nations were anachronistic and would gradually disappear. It is time for a new model that reflects a truly diplomatic, nation-to-nation relationship between the U.S. and Tribal Nations, and that empowers each Tribal Nation to define its own path. This mission should inform each action taken by this Administration affecting Tribal Nations, including any reorganization of DOI.

In addition, any cost-savings must be directed to improved execution of trust obligations. Any potential cost savings derived from the reorganization should be re-directed to augment the severely underfunded Tribal programs and trustee services provided by Indian Affairs, as well as other as other Tribal programs and services provided by agencies within DOI.

Conclusion

DOI must work to provide clarity to Indian Country prior to moving forward with further reorganization efforts. This includes much more than a take-it-or-leave-it approach to the reorganization as it pertains to Indian Country. USET SPF remains hopeful that the Department will take the opportunity to modernize the federal government and execution of the federal trust responsibility in a way that upholds the obligations of our sacred government-to-government relationship and promotes the full exercise of Tribal sovereignty. In the meantime, USET SPF urges Congress to continue to hold DOI accountable and withhold additional funds for the reorganization until DOI provides additional information and conducts meaningful consultation with Tribal Nations. Should you have any questions or require further information, please contact Ms. Liz Malerba, USET SPF Director of Policy and Legislative Affairs, at XXX-XXX-XXXX.

[LIST OF DOCUMENTS SUBMITTED FOR THE RECORD RETAINED IN THE
COMMITTEE'S OFFICIAL FILES]

Submissions for the Record by Rep. Cox

- Public Lands Foundation, “Maintaining the Bureau of Land Management Headquarters in Washington, D.C., dated April 2019.
- GAO Report (GAO-18-427) on Government Reorganization—Key Questions to Assess Agency Reform Efforts, dated June 2018.
- Letter from Defenders of Wildlife to Sec. Zinke, dated May 29, 2018.
- Letter from Great Plains Tribal Chairmen’s Association to Sec. Zinke, dated July 15, 2017.

Submissions for the Record by Rep. Grijalva

- Letter from USET to Tara Sweeney, Asst. Sec. Indian Affairs, Bureau of Indian Affairs, dated September 21, 2018.
- USET SPF Resolution No. 2019 SPF:005—Opposition to DOI Reorganization.
- Letter from USET to Secretary Ryan Zinke of the Department of the Interior, dated April 13, 2018.
- Ute Indian Tribe of the Uintah and Ouray Reservation, Testimony for the Record.

